

States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

“(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

“(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

“(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.”

Similar provisions were contained in the following appropriation act:

Pub. L. 109-108, title VI, §635(a), Nov. 22, 2005, 119 Stat. 2346.

CHAPTER 78—TRAFFICKING VICTIMS PROTECTION

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§ 7101. Purposes and findings

(a) Purposes

The purposes of this chapter are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) Findings

Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal

enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through non-violent coercion. In *United States v. Kozminski*, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination

country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing,

1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

(Pub. L. 106–386, div. A, §102, Oct. 28, 2000, 114 Stat. 1466.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this division”, meaning division A of Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116–92, div. F, title LXXI, §7151, Dec. 20, 2019, 133 Stat. 2257, provided that: “This subtitle [subtitle B (§§7151–7155) of title LXXI of div. F of Pub. L. 116–92, amending section 7103 of this title and section 312 of Title 31, Money and Finance, and enacting provisions set out as a note under section 3305 of Title 12, Banks and Banking] may be cited as the ‘Financial Industry Guidance to Halt Trafficking Act’ or the ‘FIGHT Act’.”

Pub. L. 115–427, §1, Jan. 9, 2019, 132 Stat. 5503, provided that: “This Act [amending sections 7102, 7104, 7106, and 7107 of this title and enacting provisions set out as notes under sections 262d and 7107 of this title] may be cited as the ‘Trafficking Victims Protection Reauthorization Act of 2017’.”

Pub. L. 115–425, §1, Jan. 8, 2019, 132 Stat. 5472, provided that: “This Act [enacting section 7104e of this title, amending sections 2370c to 2370c–2, 7103, 7104, 7105, 7106 to 7108, 7110, and 7112 of this title, section 1375c of Title 8, Aliens and Nationality, sections 20705, 20709, and 21509 of Title 34, Crime Control and Law Enforcement, and section 40118 of Title 49, Transportation, and enacting provisions set out as notes under sections 2370c and 7107 of this title, section 1201 of Title 41, Public Contracts, and section 40118 of Title 49] may be cited as the ‘Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–457, §1(a), Dec. 23, 2008, 122 Stat. 5044, provided that: “This Act [see Tables for classification] may be cited as the ‘William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–164, §1(a), Jan. 10, 2006, 119 Stat. 3558, provided that: “This Act [enacting sections 7111 and 7112 of

this title, sections 2428, 3271, and 3272 of Title 18, Crimes and Criminal Procedure, and sections 14044 to 14044e of Title 42, The Public Health and Welfare, amending sections 4028, 7103 to 7107, 7109a, and 7110 of this title and sections 1956 and 1961 of Title 18, and enacting provisions set out as notes under this section and sections 7105 and 7106 of this title] may be cited as the ‘Trafficking Victims Protection Reauthorization Act of 2005’.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–193, §1, Dec. 19, 2003, 117 Stat. 2875, provided that: “This Act [enacting section 7109a of this title and section 1595 of Title 18, Crimes and Criminal Procedure, amending sections 2152d, 7102 to 7107, and 7110 of this title, sections 1101, 1182, 1184, and 1255 of Title 8, Aliens and Nationality, and sections 1591 and 1961 of Title 18, enacting provisions set out as notes under this section and section 7103 of this title, and repealing provisions set out as a note under section 7103 of this title] may be cited as the ‘Trafficking Victims Protection Reauthorization Act of 2003’.”

SHORT TITLE

Pub. L. 106–386, §1, Oct. 28, 2000, 114 Stat. 1464, provided that: “This Act [see Tables for classification] may be cited as the ‘Victims of Trafficking and Violence Protection Act of 2000’.”

Pub. L. 106–386, div. A, §101, Oct. 28, 2000, 114 Stat. 1466, provided that: “This division [enacting this chapter, section 2152d of this title, and sections 1589 to 1594 of Title 18, Crimes and Criminal Procedure, and amending sections 2151n and 2304 of this title, sections 1101, 1182, 1184, and 1255 of Title 8, Aliens and Nationality, and sections 1581, 1583, and 1584 of Title 18] may be cited as the ‘Trafficking Victims Protection Act of 2000’.”

PROMOTING EFFECTIVE STATE ENFORCEMENT

Pub. L. 110–457, title II, §225, Dec. 23, 2008, 122 Stat. 5072, as amended by Pub. L. 113–4, title XII, §1243, Mar. 7, 2013, 127 Stat. 154, provided that:

“(a) RELATIONSHIP AMONG FEDERAL AND STATE LAW.—Nothing in this Act [see Short Title of 2008 Amendment note above], the Trafficking Victims Protection Act of 2000 [see Short Title note above], the Trafficking Victims Protection Reauthorization Act of 2003 [see Short Title of 2003 Amendment note above], the Trafficking Victims Protection Reauthorization Act of 2005 [see Short Title of 2006 Amendment note above], chapters 77 and 117 of title 18, United States Code, or any model law issued by the Department of Justice to carry out the purposes of any of the aforementioned statutes—

“(1) may be construed to treat prostitution as a valid form of employment under Federal law; or

“(2) shall preempt, supplant, or limit the effect of any State or Federal criminal law.

“(b) MODEL STATE CRIMINAL PROVISIONS.—In addition to any model State antitrafficking statutes in effect on the date of the enactment of this Act [Dec. 23, 2008], the Attorney General shall facilitate the promulgation of a model State statute that—

“(1) furthers a comprehensive approach to investigation and prosecution through modernization of State and local prostitution and pandering statutes; “(2) protects children exploited through prostitution by including safe harbor provisions that—

“(A) treat an individual under 18 years of age who has been arrested for engaging in, or attempting to engage in, a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

“(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

“(C) require the referral of an individual described in subparagraph (A) to appropriate service providers, including comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation; and

“(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph;

“(3) is based in part on the provisions of the Act of August 15, 1935 (49 Stat. 651; D.C. Code 22-2701 et seq.) (relating to prostitution and pandering).

“(c) DISTRIBUTION.—The model statute described in subsection (b) and the text of chapter 27 of the Criminal Code of the District of Columbia (D.C. Code 22-2701 et seq.) shall be—

“(1) posted on the website of the Department of Justice; and

“(2) distributed to the Attorney General of each State.”

[Amendment by section 1243 of Pub. L. 113-4, which directed amendment of section 225(b) of the Trafficking Victims Reauthorization Act of 2008, was executed by amending section 225(b) of Pub. L. 110-457, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, set out above, to reflect the probable intent of Congress.]

CONGRESSIONAL FINDINGS

Pub. L. 109-164, § 2, Jan. 10, 2006, 119 Stat. 3558, provided that: “Congress finds the following:

“(1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193) [see Short Title of 2003 Amendment note above].

“(2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

“(3) Since the enactment of the Trafficking Victims Protection Act of 2000 [Oct. 28, 2000], United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

“(4) Trafficking in persons also occurs within the borders of a country, including the United States.

“(5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

“(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Runaway Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.

“(7) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

“(8) There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there is a need for further integrated programs and strate-

gies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

“(9) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

“(10) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the credibility and mission of United States Government programs in post-conflict regions.

“(11) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.”

Pub. L. 108-193, § 2, Dec. 19, 2003, 117 Stat. 2875, provided that: “Congress finds the following:

“(1) Trafficking in persons continues to victimize countless men, women, and children in the United States and abroad.

“(2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386) [see Short Title note above], the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.

“(3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(T)(i)].

“(4) Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons.

“(5) Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers.

“(6) International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.”

§ 7102. Definitions

In this chapter:

(1) Abuse or threatened abuse of law or legal process

The term “abuse or threatened abuse of the legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(3) Coercion

The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(4) Commercial sex act

The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

(5) Concrete actions

The term “concrete actions” means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

(A) Enforcement actions taken.

(B) Investigations actively underway.

(C) Prosecutions conducted.

(D) Convictions attained.

(E) Training provided.

(F) Programs and partnerships actively underway.

(G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement with foreign migrants, ending recruitment fees, and other such measures.

(H) Victim services offered, including immigration services and restitution.

(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

(6) Credible information

The term “credible information” includes all of the following:

(A) Reports by the Department of State.

(B) Reports of other Federal agencies, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

(C) Documentation provided by a foreign country, including—

(i) copies of relevant laws, regulations, and policies adopted or modified; and

(ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.

(D) Materials developed by civil society organizations.

(E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.

(F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.

(G) Information developed by multilateral institutions.

(H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.

(7) Debt bondage

The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(8) Involuntary servitude

The term “involuntary servitude” includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(9) Minimum standards for the elimination of trafficking

The term “minimum standards for the elimination of trafficking” means the standards set forth in section 7106 of this title.

(10) Nonhumanitarian, nontrade-related foreign assistance

The term “nonhumanitarian, nontrade-related foreign assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], other than—

(i) assistance under chapter 4 of part II of that Act [22 U.S.C. 2346 et seq.] in support of programs of nongovernmental organizations that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act [22 U.S.C. 2151 et seq.];

(ii) assistance under chapter 8 of part I of that Act [22 U.S.C. 2291 et seq.];

(iii) any other narcotics-related assistance under part I of that Act [22 U.S.C. 2151 et seq.] or under chapter 4 or 5¹ part II of that Act [22 U.S.C. 2346 et seq., 2347 et seq.], but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act [22 U.S.C. 2394–1];

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act [22 U.S.C. 2292 et seq.];

(v) antiterrorism assistance under chapter 8 of part II of that Act [22 U.S.C. 2349aa et seq.];

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10² of that Act;

¹ So in original. Probably should be followed by “of”.

² See References in Text note below.

(viii) any support under subchapter II of chapter 103 of this title relating to the United States International Development Finance Corporation;

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1].

(11) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(12) Sex trafficking

The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

(13) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(14) Task Force

The term “Task Force” means the Interagency Task Force to Monitor and Combat Trafficking established under section 7103 of this title.

(15) United States

The term “United States” means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(16) Victim of a severe form of trafficking

The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (9)².

(17) Victim of trafficking

The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (9) or (10)².

(18) Grounds related to human trafficking

The term “grounds related to human trafficking” means grounds related to the criteria

for inadmissibility to the United States described in subsection (a)(2)(H) of section 1182 of title 8.

(Pub. L. 106–386, div. A, §103, Oct. 28, 2000, 114 Stat. 1469; Pub. L. 108–193, §8(b)(1), Dec. 19, 2003, 117 Stat. 2887; Pub. L. 110–457, title III, §304(a), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113–4, title XII, §1212(b)(1), Mar. 7, 2013, 127 Stat. 143; Pub. L. 114–22, title I, §108(b), May 29, 2015, 129 Stat. 239; Pub. L. 115–254, div. F, title VI, §1470(p), Oct. 5, 2018, 132 Stat. 3518; Pub. L. 115–427, §2, Jan. 9, 2019, 132 Stat. 5503; Pub. L. 116–283, div. A, title XII, §1299R(d)(2), Jan. 1, 2021, 134 Stat. 4028.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning division A of Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in par. (10)(A), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of this title. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. Chapters 1, 8, and 9 of part I of the Act are classified generally to parts I (§2151 et seq.), VIII (§2291 et seq.), and IX (§2292 et seq.), respectively, of subchapter I of chapter 32 of this title. Title IV of chapter 2 of part I of the Act was classified generally to subpart iv (§2191 et seq.) of part II of subchapter I of chapter 32 of this title, and was repealed, except for subsections (g), (l), (m), and (n) of section 2197 of this title, by Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, effective at the end of the transition period, as defined in section 9681 of this title. Chapters 4, 5, and 8 of part II of the Act are classified generally to part IV (§2346 et seq.), part V (§2347 et seq.), and part VIII (§2349aa et seq.), respectively, of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Chapters 1 and 10 of that Act, referred to in par. (10)(A)(vii), probably means chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, which are classified generally to parts I (§2151 et seq.) and X (§2293 et seq.), respectively, of subchapter I of chapter 32 of this title. For complete classification of these chapters to the Code, see Tables.

The Arms Export Control Act, referred to in par. (10)(B), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Paragraphs (9) and (10), referred to in pars. (16) and (17), were redesignated pars. (11) and (12), respectively, by Pub. L. 115–427, §2(1), Jan. 9, 2019, 132 Stat. 5503. See 2019 Amendment note below.

AMENDMENTS

2021—Par. (18). Pub. L. 116–283 added par. (18).

2019—Pars. (5) to (17). Pub. L. 115–427 added pars. (5) and (6) and redesignated former pars. (5) to (15) as (7) to (17), respectively.

2018—Par. (8)(A)(viii). Pub. L. 115–254 amended cl. (viii) generally. Prior to amendment, cl. (viii) read as follows: “programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and”.

2015—Par. (10). Pub. L. 114–22 substituted “obtaining, patronizing, or soliciting” for “or obtaining”.

2013—Pub. L. 113–4 added par. (1), redesignated former pars. (1) to (14) as (2) to (15), respectively, and sub-

stituted “paragraph (9)” for “paragraph (8)” in par. (14) and “paragraph (9) or (10)” for “paragraph (8) or (9)” in par. (15).

2008—Par. (1). Pub. L. 110-457 substituted “Committee on Foreign Affairs” for “Committee on International Relations”.

2003—Par. (7)(A)(i). Pub. L. 108-193 inserted “in support of programs of nongovernmental organizations” before “that is made available”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115-254, set out as a note under section 905 of Title 2, The Congress.

§ 7103. Interagency Task Force to Monitor and Combat Trafficking

(a) Establishment

The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(b) Appointment

The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Education, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, and such other officials as may be designated by the President.

(c) Chairman

The Task Force shall be chaired by the Secretary of State.

(d) Activities of the Task Force

The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this chapter.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 7107 of this title.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies. Any data collection procedures and reporting requirements established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to

prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this chapter, and make reasonable efforts to distribute information to enable all relevant Federal Government agencies to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States.

(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the Committee on Foreign Affairs¹ the Committee on Financial Services,² and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this chapter, or any amendment made by this chapter, which shall include, at a minimum, information on—

(A) the number of persons who received benefits or other services under subsections (b) and (f)³ of section 7105 of this title in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Attorney General, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

(B) the number of persons who have been granted continued presence in the United States under section 7105(c)(3) of this title during the preceding fiscal year and the mean and median time taken to adjudicate applications submitted under such section, including the time from the receipt of an application by law enforcement to the issuance of continued presence, and a description of any efforts being taken to reduce the adjudication and processing time while ensuring the safe and competent processing of the applications;

(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 1101(a)(15) of title 8 during the preceding fiscal year;

(D) the number of persons who have applied for, been granted, or been denied a visa or status under clause (ii) of section 1101(a)(15)(T) of title 8 during the preceding fiscal year, broken down by the number of

¹ So in original. Probably should be followed by a comma.

² So in original.

³ See References in Text note below.

such persons described in subclauses (I), (II), and (III) of such clause (ii);

(E) the amount of Federal funds expended in direct benefits paid to individuals described in subparagraph (D) in conjunction with T visa status;

(F) the number of persons who have applied for, been granted, or been denied a visa or status under section 1101(a)(15)(U)(i) of title 8 during the preceding fiscal year;

(G) the mean and median time in which it takes to adjudicate applications submitted under the provisions of law set forth in subparagraph (C), including the time between the receipt of an application and the issuance of a visa and work authorization;

(H) any efforts being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing of the applications;

(I) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18 during the preceding fiscal year and the sentences imposed against each such person;

(J) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 7104 and 7105 of this title, or section 2152d of this title, during the preceding fiscal year;

(K) the nature of training conducted pursuant to section 7105(c)(4) of this title during the preceding fiscal year;

(L) the amount, recipient, and purpose of each grant under sections 20702 and 20705 of title 34;³

(M) activities by the Department of Defense to combat trafficking in persons, including—

(i) educational efforts for, and disciplinary actions taken against, members of the United States Armed Forces;

(ii) the development of materials used to train the armed forces of foreign countries;

(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;

(iv) efforts to ensure that United States Government contractors and their employees or United States Government subcontractors and their employees do not engage in trafficking in persons; and

(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition and Sustainment;

(N) activities or actions by Federal departments and agencies to enforce—

(i) section 7104(g) of this title and any similar law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, the procurement of commercial sex acts, or the use of forced labor, including debt bondage;

(ii) section 1307 of title 19 (relating to prohibition on importation of convict-

made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and

(iii) prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998);

(O) the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under subsection (g); and⁴

(P) the activities undertaken by Federal agencies to train appropriate State, tribal, and local government and law enforcement officials to identify victims of severe forms of trafficking, including both sex and labor trafficking;

(Q) the activities undertaken by Federal agencies in cooperation with State, tribal, and local law enforcement officials to identify, investigate, and prosecute offenses under sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, 1594, 2251, 2251A, 2421, 2422, and 2423 of title 18, or equivalent State offenses, including, in each fiscal year—

(i) the number, age, gender, country of origin, and citizenship status of victims identified for each offense;

(ii) the number of individuals charged, and the number of individuals convicted, under each offense;

(iii) the number of individuals referred for prosecution for State offenses, including offenses relating to the purchasing of commercial sex acts;

(iv) the number of victims granted continued presence in the United States under section 7105(c)(3) of this title;

(v) the number of victims granted a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 1101(a)(15) of title 8;

(vi) the number of individuals required by a court order to pay restitution in connection with a violation of each offense under title 18, the amount of restitution required to be paid under each such order, and the amount of restitution actually paid pursuant to each such order;

(vii) the age, gender, race, country of origin, country of citizenship, and description of the role in the offense of individuals convicted under each offense;

(viii) the number of convictions obtained under chapter 77 of title 18, aggregated separately by the form of offense committed with respect to the victim, including recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a human trafficking victim; and⁴

(R) the activities undertaken by the Department of Justice and the Department of Health and Human Services to meet the specific needs of minor victims of domestic trafficking, including actions taken pursuant to subsection (f) and section 20702(a)³ of title 34, and the steps taken to increase co-

⁴So in original. The word “and” probably should not appear.

operation among Federal agencies to ensure the effective and efficient use of programs for which the victims are eligible; and

(S)⁵ tactics and strategies employed by human trafficking task forces sponsored by the Department of Justice to reduce demand for trafficking victims.

(S)⁵ the efforts of the United States to eliminate money laundering related to human trafficking and the number of investigations, arrests, indictments, and convictions in money laundering cases with a nexus to human trafficking.

(e) Office To Monitor and Combat Trafficking

(1) In general

The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this chapter and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a non-reimbursable basis.

(2) United States assistance

The Director shall be responsible for—

(A) all policy, funding, and programming decisions regarding funds made available for trafficking in persons programs that are centrally controlled by the Office to Monitor and Combat Trafficking; and

(B) coordinating any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Director.

(f) Regional strategies for combating trafficking in persons

Each regional bureau in the Department of State shall contribute to the realization of the anti-trafficking goals and objectives of the Secretary of State. Each year, in cooperation with the Office to Monitor and Combat Trafficking in Persons, each regional bureau shall submit a list of anti-trafficking goals and objectives to the Secretary of State for each country in the geographic area of responsibilities of the regional bureau. Host governments shall be informed of the goals and objectives for their particular country and, to the extent possible, host government officials should be consulted regarding the goals and objectives.

(g) Senior Policy Operating Group

(1) Establishment

There shall be established within the executive branch a Senior Policy Operating Group.

(2) Membership; related matters

(A) In general

The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order No. 13257 of February 13, 2002).

(B) Chairperson

The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

(C) Meetings

The Operating Group shall meet on a regular basis at the call of the Chairperson.

(3) Duties

The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this chapter.

(4) Availability of information

Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this chapter.

(5) Regulations

Not later than 90 days after December 19, 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).

(Pub. L. 106-386, div. A, §105, Oct. 28, 2000, 114 Stat. 1473; Pub. L. 108-193, §6(a)(1), (b)(1), (c)(1), Dec. 19, 2003, 117 Stat. 2880, 2881; Pub. L. 109-164, title I, §104(a), title II, §205, Jan. 10, 2006, 119 Stat. 3564, 3571; Pub. L. 110-457, title I, §§101, 102, title II, §231, title III, §304(a), Dec. 23, 2008, 122 Stat. 5045, 5072, 5087; Pub. L. 112-239, div. A, title XVII, §1707, Jan. 2, 2013, 126 Stat. 2098; Pub. L. 113-4, title XII, §§1201, 1203(a), 1231, Mar. 7, 2013, 127 Stat. 136, 138, 144; Pub. L. 114-22, title VI, §602, May 29, 2015, 129 Stat. 259; Pub. L. 115-392, §§16, 18(a), Dec. 21, 2018, 132 Stat. 5257, 5258; Pub. L. 115-425, title I, §121(a), title II, §201, Jan. 8, 2019, 132 Stat. 5478, 5482; Pub. L. 116-92, div. A, title IX, §902(85), div. C, title XXXV, §3562, div. F, title LXXI, §7154(b), Dec. 20, 2019, 133 Stat. 1553, 2009, 2260.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (d)(1), (6), (7), (e)(1), and (g)(3), (4), was in the original "this division" meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

Subsection (f) of section 7105 of this title, referred to in subsec. (d)(7)(A), probably means the first subsec. (f)

⁵ So in original. Two subpars. (S) have been enacted.

of section 7105 of this title, relating to assistance for United States citizens and lawful permanent residents, as added by Pub. L. 110-457, title II, §213(a)(1), Dec. 23, 2008, 122 Stat. 5064.

Sections 20702 and 20705 of title 34, referred to in subsec. (d)(7)(L), was in the original “sections 202 and 204 of the Trafficking Victims Protection Act of 2005”, and was translated as reading “sections 202 and 204 of the Trafficking Victims Protection Reauthorization Act of 2005”, which enacted sections 20702 and 20705 of Title 34, Crime Control and Law Enforcement, to reflect the probable intent of Congress.

Executive Order 13107, referred to in subsec. (d)(7)(N)(iii), is set out as a note under section 601 of Title 5, Government Organization and Employees.

Section 20702(a) of title 34, referred to in subsec. (d)(7)(R), was amended generally by Pub. L. 113-4, title XII, §1241(a), Mar. 7, 2013, 127 Stat. 149, and Pub. L. 115-393, title III, §301(e)(1)(A), Dec. 21, 2018, 132 Stat. 5272, and, as so amended, sets out definitions for that section. Prior to amendment, section 20702(a) of title 34 related to grants made by the Secretary of Health and Human Services for assistance programs for victims of trafficking occurring within the United States.

Executive Order No. 13257, referred to in subsec. (g)(2)(A), is set out as a note below.

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-92, §3562, inserted “the Secretary of Commerce,” after “the Secretary of Education,”.

Pub. L. 115-425, §201, inserted “the Secretary of the Treasury, the United States Trade Representative,” after “the Secretary of Education,”.

Subsec. (d)(7). Pub. L. 116-92, §7154(b)(1), inserted “the Committee on Financial Services,” after “the Committee on Foreign Affairs” and “the Committee on Banking, Housing, and Urban Affairs,” after “the Committee on Foreign Relations,” in introductory provisions.

Subsec. (d)(7)(M)(v). Pub. L. 116-92, §902(85), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

Subsec. (d)(7)(Q)(vii), (R). Pub. L. 116-92, §7154(b)(2), (3), which directed amendment of subpar. (Q)(vii) by substituting a semicolon for “; and” and subpar. (R) by substituting “; and” for the period at the end, could not be executed because of the intervening amendments by Pub. L. 115-425, §121(a)(1), (2), made in the course of adding the first subpar. (S). See below.

Subsec. (d)(7)(S). Pub. L. 116-92, §7154(b)(4), added subpar. (S) relating to efforts of the United States to eliminate money laundering.

Pub. L. 115-425, §121(a), added subpar. (S) relating to tactics and strategies employed by human trafficking task forces.

2018—Subsec. (d)(3). Pub. L. 115-392, §18(a), inserted “and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies” after “international trafficking” and “and reporting requirements” after “Any data collection procedures”.

Subsec. (d)(7)(Q)(viii). Pub. L. 115-392, §16, added cl. (viii).

2015—Subsec. (d)(7)(Q). Pub. L. 114-22 substituted “1590, 1591, 1592, 1594, 2251, 2251A, 2421, 2422, and 2423” for “1590, 1592, and 1594” in introductory provisions and added cls. (vi) and (vii).

2013—Subsec. (d)(6). Pub. L. 113-4, §1203(a), inserted “, and make reasonable efforts to distribute information to enable all relevant Federal Government agencies to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States” before period at end.

Subsec. (d)(7)(B) to (H). Pub. L. 113-4, §1231(2), added subpars. (B) to (H) and struck out former subpars. (B) and (C) which read as follows:

“(B) the number of persons who have been granted continued presence in the United States under section 7105(c)(3) of this title during the preceding fiscal year;

“(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under section 1101(a)(15)(T)(i) of title 8 during the preceding fiscal year;”.

Former subpars. (D) to (H) redesignated (I) to (M), respectively.

Subsec. (d)(7)(H)(iii) to (v). Pub. L. 112-239 added cls. (iii) and (v) redesignated former cl. (iii) as (iv).

Subsec. (d)(7)(I). Pub. L. 113-4, §1231(1), redesignated subpar. (D) as (I). Former subpar. (I) redesignated (N).

Subsec. (d)(7)(J). Pub. L. 113-4, §1231(1), redesignated subpar. (E) as (J). Former subpar. (J) redesignated (O).

Pub. L. 113-4, §1201(1), substituted “subsection (g)” for “subsection (f) of this section”.

Subsec. (d)(7)(K) to (O). Pub. L. 113-4, §1231(1), redesignated subpars. (F) to (J) as (K) to (O), respectively.

Subsec. (d)(7)(P) to (R). Pub. L. 113-4, §1231(3)-(5), added subpars. (P) to (R).

Subsec. (e)(2). Pub. L. 113-4, §1201(2), redesignated subpar. (B) and cls. (i) and (ii) as par. (2) and subpars. (A) and (B), respectively, realigned margins, and struck out former par. (2) heading and subpar. (A) which related to coordination of certain activities against use of products or materials from victims of severe forms of trafficking and sexual exploitation.

Subsecs. (f), (g). Pub. L. 113-4, §1201(3), (4), added subsec. (f) and redesignated former subsec. (f) as (g).

2008—Subsec. (b). Pub. L. 110-457, §101, inserted “the Secretary of Education,” after “the Secretary of Homeland Security,”.

Subsec. (d)(7). Pub. L. 110-457, §304(a), substituted “Committee on Foreign Affairs” for “Committee on International Relations” in introductory provisions.

Subsec. (d)(7)(A). Pub. L. 110-457, §231(1), substituted “subsections (b) and (f) of section 7105 of this title” for “section 7105(b) of this title” and inserted “the Attorney General,” after “the Secretary of Labor,”.

Subsec. (d)(7)(H) to (J). Pub. L. 110-457, §231(2)-(4), added subpars. (H) and (I) and redesignated former subpar. (H) as (J).

Subsec. (e). Pub. L. 110-457, §102, substituted “Office To Monitor and Combat Trafficking” for “Support for the Task Force” in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, substituted “The Secretary of State shall” for “The Secretary of State is authorized to”, and added par. (2).

2006—Subsec. (b). Pub. L. 109-164, §104(a), substituted “the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security” for “the Director of Central Intelligence”.

Subsec. (d)(7)(G), (H). Pub. L. 109-164, §205, added subpar. (G) and redesignated former subpar. (G) as (H).

2003—Subsec. (d)(7). Pub. L. 108-193, §6(a)(1), added par. (7).

Subsec. (e). Pub. L. 108-193, §6(b)(1), inserted before period at end of second sentence “, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large”.

Subsec. (f). Pub. L. 108-193, §6(c)(1), added subsec. (f).

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 108-193, §6(b)(2), Dec. 19, 2003, 117 Stat. 2881, provided that: “The individual who holds the position of Director of the Office to Monitor and Combat Trafficking of the Department of State may continue to hold such position notwithstanding the amendment made by paragraph (1) [amending this section].”

SENIOR POLICY OPERATING GROUP

Pub. L. 108-7, div. B, title IV, §406, Feb. 20, 2003, 117 Stat. 92, required the Interagency Task Force to Monitor and Combat Trafficking to establish a Senior Policy Operating Group, prior to repeal by Pub. L. 108-193, §6(c)(2), Dec. 19, 2003, 117 Stat. 2881. See subsec. (f) of this section.

Executive Documents**EX. ORD. NO. 13257. PRESIDENT'S INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS**

Ex. Ord. No. 13257, Feb. 13, 2002, 67 F.R. 7259, as amended by Ex. Ord. No. 13286, § 5, Feb. 28, 2003, 68 F.R. 10619; Ex. Ord. No. 13333, Mar. 18, 2004, 69 F.R. 13455, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trafficking Victims Protection Act of 2000, (22 U.S.C. 7101 *et seq.*) (the "Act"), and section 301 of title 3, United States Code, and in order to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims, it is hereby ordered as follows:

SECTION 1. (a) The President's Interagency Task Force to Monitor and Combat Trafficking in Persons is hereby established.

(b) The Task Force shall consist of:

- (i) the Secretary of State;
- (ii) the Attorney General;
- (iii) the Secretary of Labor;
- (iv) the Secretary of Health and Human Services;
- (v) the Secretary of Homeland Security;
- (vi) the Director of Central Intelligence;
- (vii) the Director of the Office of Management and Budget;
- (viii) the Administrator of the United States Agency for International Development; and
- (ix) any additional officers or employees of the United States as may be designated by the President.

(c) The Task Force shall be chaired by the Secretary of State.

SEC. 2. Activities. The Task Force shall, consistent with applicable law and the constitutional authorities and duties of the President, carry out the following activities:

- (a) coordinate the implementation of the Act;
- (b) measure and evaluate progress of the United States and other countries in the areas of trafficking in persons prevention, protection, and assistance to victims of trafficking in persons, and prosecutions and other enforcement efforts against traffickers, including the role of public corruption in facilitating trafficking in persons;
- (c) assist the Secretary of State in the preparation of the annual reports described in section 110 of the Act [22 U.S.C. 7107];
- (d) expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking in persons, while ensuring that any data collection procedures involved, respect the confidentiality of victims of trafficking in persons;
- (e) engage in efforts to facilitate cooperation among countries of origin, transit, and destination, and such efforts shall aim to strengthen local and regional capacities to prevent trafficking in persons, prosecute traffickers and assist trafficking victims; shall include initiatives to enhance cooperative efforts between destination countries, transit countries, and countries of origin; and shall assist in the appropriate reintegration of stateless victims of trafficking in persons;
- (f) examine the role of the international "sex tourism" industry in the trafficking of persons and in the sexual exploitation of women and children around the world;
- (g) engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of the Act; and
- (h) address such other matters related to the purposes of the Act as the President may determine.

SEC. 3. Administration. (a) The Department of State shall provide funding and administrative support for the Task Force, except as otherwise provided by the Act.

(b) At the call of the Chair, the Task Force shall meet as necessary to accomplish its mission.

(c) Task Force members may designate representatives from their respective agencies to represent them at Task Force meetings.

(d) Whenever the work of the Task Force involves a matter committed by law or Presidential directive to the consideration of the National Security Council, or by Executive Order 13228 of October 8, 2001 [50 U.S.C. 3021 note], to the consideration of the Homeland Security Council, that work shall be undertaken, and any communication by the Secretary of State to the President shall be undertaken, in a manner consistent with such law, Presidential directive, or Executive Order.

(e) The Task Force shall have no directive authority or other substantial independent authority.

(f) As necessary and appropriate, the Task Force shall report to the President, through the Secretary of State, the following:

- (i) progress on the implementation of the Act; and
- (ii) recommendations for United States policy to monitor and eliminate trafficking in persons and to protect the victims of trafficking in persons.

SEC. 4. Guidelines, Policies, and Regulations. (a) The Senior Policy Operating Group (SPOG), described in subsection 105(f) [now (g)] of the Act [22 U.S.C. 7103(g)], shall (i) establish guidelines and policies to coordinate the activities of executive branch departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and (ii) advise the Secretary of State what regulations may be necessary to implement section 105 of the Act, including such regulations as may be necessary to carry out the sharing of information on all matters relating to grants, grant policies, or other significant actions regarding the international trafficking in persons as set forth in subsection 105(f)(4) of the Act, to the extent permitted by law.

(b) The Secretary of State, in consultation with the members of the Task Force or their representatives, shall promulgate regulations to implement section 105 of the Act [22 U.S.C. 7103].

SEC. 5. Enhanced Prevention of Trafficking in Persons. (a) The Secretary of State, in consultation with the members of the Task Force or their representatives, shall carry out the functions under subsection 106(c) and subsection 106(d) of the Act [22 U.S.C. 7104(c), (d)].

(b) The Secretary of State shall have the authority to determine, under section 106(e)(1) of the Act, foreign destinations where sex tourism is significant. The Secretary of Homeland Security, in consultation with the members of the Task Force or their representatives and appropriate officials of the Departments of Commerce and Transportation, shall carry out all other functions under subsection 106(e) of the Act, including promulgation of any appropriate regulations relating to the distribution of the materials described in subsection 106(e).

(c) The head of each executive branch agency responsible for the establishment and conduct of initiatives and programs described in subsections 106(a) through (e) of the Act shall consult with appropriate nongovernmental organizations consistent with section 106(f) of the Act.

(d) The Secretary of State shall have responsibility to initiate appropriate regulatory implementation of the requirements set out in section 106(g) of the Act with respect to contracts, including proposing appropriate amendments to the Federal Acquisition Regulation. Each affected executive branch department or agency shall implement, within that department or agency, the requirements set out in section 106(g) of the Act with respect to grants and cooperative agreements.

SEC. 6. Research on Trafficking in Persons. The entities named in section 112A of the Act [22 U.S.C. 7109a] shall carry out the research initiatives required by section 112A of the Act, and shall award grants according to such policies and guidelines as may be established by the SPOG described in section 105(f) of the Act [22

U.S.C. 7103(f)], as well as any applicable agency rules and regulations.

SEC. 7. *Guidance for Exercising Authority and Performing Duties.* In exercising authority delegated by, or performing functions assigned in, this order, officers of the United States shall ensure that all actions taken by them are consistent with the President's constitutional authority to:

- (a) conduct the foreign affairs of the United States;
- (b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties;
- (c) recommend for congressional consideration such measures as the President may judge necessary or expedient; and
- (d) supervise the unitary Executive Branch.

SEC. 8. *Judicial Review.* This order does not create any rights or benefits, enforceable at law or equity, against the United States, its departments, its agencies, or other entities, its officers or employees, or any other person.

GEORGE W. BUSH.

§ 7103a. Creating, building, and strengthening partnerships against significant trafficking in persons

(a) Declaration of purpose

The purpose of this section is to promote collaboration and cooperation—

- (1) between the United States Government and governments listed on the annual Trafficking in Persons Report;
- (2) between foreign governments and civil society actors; and
- (3) between the United States Government and private sector entities.

(b) Partnerships

The Director of the office established pursuant to section 7103(e)(1) of this title, in coordination and cooperation with other officials at the Department of State, officials at the Department of Labor, and other relevant officials of the United States Government, shall promote, build, and sustain partnerships between the United States Government and private entities, including foundations, universities, corporations, community-based organizations, and other non-governmental organizations, to ensure that—

- (1) United States citizens do not use any item, product, or material produced or extracted with the use and labor from victims of severe forms of trafficking; and
- (2) such entities do not contribute to trafficking in persons involving sexual exploitation.

(c) Program to address emergency situations

The Secretary of State, acting through the Director established pursuant to section 7103(e)(1) of this title, is authorized to establish a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking in persons, protection of victims, and prosecution of trafficking offenders.

(d) Child protection compacts

(1) In general

The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Labor, and the heads of other rel-

evant agencies, is authorized to provide assistance under this section for each country that enters into a child protection compact with the United States to support policies and programs that—

- (A) prevent and respond to violence, exploitation, and abuse against children; and
- (B) measurably reduce the trafficking of minors by building sustainable and effective systems of justice, prevention, and protection.

(2) Elements

A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this chapter. The compact should take into account, if applicable, the national child protection strategies and national action plans for human trafficking of a country, and shall describe—

- (A) the specific objectives the foreign government and the United States Government expect to achieve during the term of the compact;
- (B) the responsibilities of the foreign government and the United States Government in the achievement of such objectives;
- (C) the particular programs or initiatives to be undertaken in the achievement of such objectives and the amount of funding to be allocated to each program or initiative by both countries;
- (D) regular outcome indicators to monitor and measure progress toward achieving such objectives;
- (E) a multi-year financial plan, including the estimated amount of contributions by the United States Government and the foreign government, and proposed mechanisms to implement the plan and provide oversight;
- (F) how a country strategy will be developed to sustain progress made toward achieving such objectives after expiration of the compact; and
- (G) how child protection data will be collected, tracked, and managed to provide strengthened case management and policy planning.

(3) Form of assistance

Assistance under this subsection may be provided in the form of grants, cooperative agreements, or contracts to or with national governments, regional or local governmental units, or non-governmental organizations or private entities with expertise in the protection of victims of severe forms of trafficking in persons.

(4) Eligible countries

The Secretary of State, in consultation with the agencies set forth in paragraph (1) and relevant officers of the Department of Justice, shall select countries with which to enter into child protection compacts. The selection of countries under this paragraph shall be based on—

- (A) the selection criteria set forth in paragraph (5); and
- (B) objective, documented, and quantifiable indicators, to the maximum extent possible.

(5) Selection criteria

A country shall be selected under paragraph (4) on the basis of criteria developed by the Secretary of State in consultation with the Administrator of the United States Agency for International Development and the Secretary of Labor. Such criteria shall include—

(A) a documented high prevalence of trafficking in persons within the country; and

(B) demonstrated political motivation and sustained commitment by the government of such country to undertake meaningful measures to address severe forms of trafficking in persons, including prevention, protection of victims, and the enactment and enforcement of anti-trafficking laws against perpetrators.

(6) Suspension and termination of assistance**(A) In general**

The Secretary may suspend or terminate assistance provided under this subsection in whole or in part for a country or entity if the Secretary determines that—

(i) the country or entity is engaged in activities that are contrary to the national security interests of the United States;

(ii) the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or

(iii) the country or entity has failed to adhere to its responsibilities under the Compact.

(B) Reinstatement

The Secretary may reinstate assistance for a country or entity suspended or terminated under this paragraph only if the Secretary determines that the country or entity has demonstrated a commitment to correcting each condition for which assistance was suspended or terminated under subparagraph (A).

(Pub. L. 106-386, div. A, § 105A, as added Pub. L. 113-4, title XII, § 1202, Mar. 7, 2013, 127 Stat. 136.)

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in subsec. (d)(2), was in the original “this Act”, meaning the Trafficking Victims Protection Act of 2000, as indicated by the directory language of section 1202 of Pub. L. 113-4 which added this section. The Trafficking Victims Protection Act of 2000 is div. A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to this chapter. For complete classification of div. A to the Code, see Short Title note set out under section 7101 of this title and Tables.

§ 7104. Prevention of trafficking**(a) Economic alternatives to prevent and deter trafficking**

The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women’s participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) Public awareness and information**(1) In general**

The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(2) Grants to assist in the recognition of trafficking**(A) Definitions**

In this paragraph:

(i) ESEA terms

The terms “elementary school”, “local educational agency”, “other staff”, and “secondary school” have the meanings given the terms in section 7801 of title 20.

(ii) High-intensity child sex trafficking area

The term “high-intensity child sex trafficking area” means a metropolitan area designated by the Director of the Federal Bureau of Investigation as having a high rate of children involved in sex trafficking.

(iii) Labor trafficking

The term “labor trafficking” means conduct described in section 7102(9)(B)¹ of this title.

(iv) School staff

The term “school staff” means teachers, nurses, school leaders and administrators, and other staff at elementary schools and secondary schools.

(v) Sex trafficking

The term “sex trafficking” means the conduct described in section 7102(9)(A)¹ of this title.

(B) In general

The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Labor, may award grants to local educational agencies, in partnership with a nonprofit, nongovernmental agency, to establish, expand, and support programs—

(i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking; and

¹ See References in Text note below.

(ii) to provide age-appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking.

(C) Program requirements

Amounts awarded under this paragraph shall be used for—

- (i) education regarding—
 - (I) avoiding becoming victims of labor trafficking and sex trafficking;
 - (II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;
 - (III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;
 - (IV) reporting requirements and procedures in accordance with applicable Federal and State law; and
 - (V) how to carry out activities authorized under subparagraph (A)(ii); and
- (ii) a plan, developed and implemented in consultation with local law enforcement agencies, to ensure the safety of school staff and students reporting such trafficking.

(D) Priority

In awarding grants under this paragraph, the Secretary shall give priority to local educational agencies serving a high-intensity child sex trafficking area.

(c) Border interdiction

The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

(d) International media

The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

(e) Combating international sex tourism

(1) Development and dissemination of materials

The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

(2) Monitoring of compliance

The President shall monitor compliance with the requirements of paragraph (1).

(3) Feasibility report

Not later than 180 days after December 19, 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations.

(f) Consultation requirement

The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives and programs described in subsections (a) through (e).

(g) Termination of certain grants, contracts and cooperative agreements

The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, or take any of the other remedial actions authorized under section 7104b(c) of this title, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

- (1) severe forms of trafficking in persons;
- (2) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;
- (3) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or
- (4) acts that directly support or advance trafficking in persons, including the following acts:

(A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

(B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of em-

ployment if requested by the employee, unless—

(i) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

(ii) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

(C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

(D) Charging recruited employees placement or recruitment fees.

(E) Providing or arranging housing that fails to meet the host country housing and safety standards.

(h) Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance

The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.

(i) Additional measures to prevent and deter trafficking

The President shall establish and carry out programs to prevent and deter trafficking in persons, including—

(1) technical assistance and other support to improve the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information, in the native languages of the major immigrant groups of such populations, regarding the rights of such populations in the foreign country and local in-country nongovernmental organization-operated hotlines;

(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that—

(A) foreign migrant workers are provided the same protection as nationals of the foreign country;

(B) labor recruitment firms are regulated; and

(C) workers providing domestic services in households are provided protection under labor rights laws; and

(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.

(j) Prevention of child trafficking through child marriage

The Secretary of State shall establish and implement a multi-year, multi-sectoral strategy—

(1) to prevent child marriage;

(2) to promote the empowerment of girls at risk of child marriage in developing countries;

(3) that should address the unique needs, vulnerabilities, and potential of girls younger than 18 years of age in developing countries;

(4) that targets areas in developing countries with high prevalence of child marriage; and

(5) that includes diplomatic and programmatic initiatives.

(k) Agency action to prevent funding of human trafficking

(1) In general

At the end of each fiscal year, the Secretary of State, the Secretary of Labor, the Administrator of the United States Agency for International Development, and the Director of the Office of Management and Budget shall each submit a report to the Administrator of General Services that includes—

(A) the name and contact information of the individual within the agency's Office of Legal Counsel or Office of Acquisition Policy who is responsible for overseeing the implementation of—

(i) subsection (g);

(ii) title XVII of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104a et seq.); and

(iii) any regulation in the Federal Acquisition Regulation (48 C.F.R. 1 et seq.) that is related to any subject matter referred to in clause (i) or (ii);

(B) agency action to ensure that contractors are educated on the applicable laws and regulations listed in subparagraph (A);

(C) agency action to ensure that the acquisition workforce and agency officials understand implementation of the laws and regulations listed in subparagraph (A), including best practices for—

(i) ensuring compliance with such laws and regulations;

(ii) assessing the serious, repeated, willful, or pervasive nature of any violation of such laws or regulations; and

(iii) evaluating steps contractors have taken to correct any such violation;

(D)(i) the number of contracts containing language referring to the laws and regulations listed in subparagraph (A); and

(ii) the number of contracts that did not contain any language referring to such laws and regulations;

(E)(i) the number of allegations of severe forms of trafficking in persons received; and

(ii) the source type of the allegation (such as contractor, subcontractor, employee of contractor or subcontractor, or an individual outside of the contract);

(F)(i) the number of such allegations investigated by the agency;

(ii) a summary of any findings from such investigations; and

(iii) any improvements recommended by the agency to prevent such conduct from recurring;

(G)(i) the number of such allegations referred to the Attorney General for prosecution under section 3271 of title 18; and

(ii) the outcomes of such referrals;

(H) any remedial action taken as a result of such investigation, including whether—

(i) a contractor or subcontractor (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or

(ii) a contract was terminated pursuant to subsection (g) as a result of such violation;

(I) any other assistance offered to agency contractors to ensure compliance with a law or regulation relating to severe forms of trafficking in persons;

(J) any interagency meetings or data sharing regarding suspended or disbarred contractors or subcontractors (at any tier) for severe forms of trafficking in persons; and

(K) any contract with a contractor or subcontractor (at any tier) located outside the United States and the country location, where safe to reveal location, for each such contractor or subcontractor.

(2) Appropriate congressional committees

In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs of the House of Representatives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Education and the Workforce of the House of Representatives;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Oversight and Government Reform of the House of Representatives;

(F) the Committee on Foreign Relations of the Senate;

(G) the Committee on Armed Services of the Senate;

(H) the Committee on the Judiciary of the Senate; and

(I) the Committee on Health, Education, Labor, and Pensions of the Senate.

(I) Information regarding human trafficking-related visa denials

(1) In general

The Secretary of State shall ensure that the Office to Monitor and Combat Trafficking in Persons and the Bureau of Diplomatic Security of the Department of State receive timely and regular information regarding United States visa denials based, in whole or in part, on grounds related to human trafficking.

(2) Decisions regarding allocation

The Secretary of State shall ensure that decisions regarding the allocation of resources of the Department of State related to combating human trafficking and to law enforcement presence at United States diplomatic and consular posts appropriately take into account—

(A) the information described in paragraph (1); and

(B) the information included in the most recent report submitted in accordance with section 7107(b) of this title.

(Pub. L. 106-386, div. A, §106, Oct. 28, 2000, 114 Stat. 1474; Pub. L. 108-193, §3, Dec. 19, 2003, 117 Stat. 2875; Pub. L. 109-164, title I, §101(a), title II, §201(b), Jan. 10, 2006, 119 Stat. 3560, 3569; Pub. L. 110-457, title I, §103(a), Dec. 23, 2008, 122 Stat. 5046; Pub. L. 112-239, div. A, title XVII, §1702, Jan. 2, 2013, 126 Stat. 2093; Pub. L. 113-4, title XII, §1207(a), Mar. 7, 2013, 127 Stat. 141; Pub. L. 115-425, title I, §§101(a), 112, Jan. 8, 2019, 132 Stat. 5473, 5476; Pub. L. 115-427, §4, Jan. 9, 2019, 132 Stat. 5504; Pub. L. 116-283, div. A, title XII, §1299R(d)(1), Jan. 1, 2021, 134 Stat. 4027.)

Editorial Notes

REFERENCES IN TEXT

Section 7102(9) of this title, referred to in subsec. (b)(2)(A)(iii), (v), was redesignated section 7102(11) of this title by Pub. L. 115-427, §2(l), Jan. 9, 2019, 132 Stat. 5503.

Title XVII of the National Defense Authorization Act for Fiscal Year 2013, referred to in subsec. (k)(1)(A)(ii), is title XVII of div. A of Pub. L. 112-239, Jan. 2, 2013, 126 Stat. 2092. For complete classification of title XVII to the Code, see Tables.

AMENDMENTS

2021—Subsec. (I). Pub. L. 116-283 added subsec. (I).

2019—Subsec. (b). Pub. L. 115-425, §101(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (g)(1) to (4). Pub. L. 115-427, §4(1), redesignated cls. (i) to (iv) as pars. (1) to (4), respectively, and realigned margins.

Subsec. (g)(4)(A). Pub. L. 115-427, §4(2)(A), redesignated subcl. (I) as subpar. (A) and realigned margins.

Subsec. (g)(4)(B). Pub. L. 115-427, §4(2)(A), (B), redesignated subcl. (II) as subpar. (B), realigned margins, and redesignated items (aa) and (bb) as cls. (i) and (ii), respectively, and realigned margins.

Subsec. (g)(4)(C). Pub. L. 115-427, §4(2)(A), redesignated subcl. (III) as subpar. (C) and realigned margins.

Subsec. (g)(4)(D). Pub. L. 115-427, §4(2)(A), (C), redesignated subcl. (IV) as subpar. (D), realigned margins, and substituted “placement or recruitment fees.” for “unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.”

Subsec. (g)(4)(E). Pub. L. 115-427, §4(2)(A), redesignated subcl. (V) as subpar. (E) and realigned margins.

Subsec. (k). Pub. L. 115-425, §112, added subsec. (k).

2013—Subsec. (g). Pub. L. 112-239 substituted “or take any of the other remedial actions authorized under section 7104b(c) of this title, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—” and cls. (i) to (iv) for “without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.”

Subsec. (j). Pub. L. 113-4 added subsec. (j).

2008—Subsec. (i). Pub. L. 110-457 added subsec. (i).

2006—Subsec. (g). Pub. L. 109-164, §201(b), struck out designation and heading of par. (1) before “The President shall”, “described in paragraph (2)” after “under which funds”, and heading and text of par. (2). Text of par. (2) read as follows: “Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity abroad funded under major functional budget category 150 (relating to international affairs).”

Subsec. (h). Pub. L. 109-164, §101(a), added subsec. (h).

2003—Subsecs. (c) to (f). Pub. L. 108-193, §3(a), added subsecs. (c) to (e), redesignated former subsec. (c) as (f),

and in subsec. (f) substituted “initiatives and programs described in subsections (a) through (e)” for “initiatives described in subsections (a) and (b)”.

Subsec. (g). Pub. L. 108–193, §3(b), added subsec. (g).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

EFFECTIVE DATE OF 2013 AMENDMENT

Requirements of amendment by Pub. L. 112–239 applicable to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after Jan. 2, 2013, and to task and delivery orders awarded on or after Jan. 2, 2013, pursuant to contracts entered before, on, or after such date, see section 7104d(c)(1)(B) of this title.

ANNUAL REPORTS TO CONGRESS ON HUMAN TRAFFICKING-RELATED VISA DENIALS

Pub. L. 116–283, div. A, title XII, §1299R(e), (f), Jan. 1, 2021, 134 Stat. 4028, provided that:

“(e) REPORTS TO CONGRESS.—

“(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of State shall provide to the relevant congressional committees a report that—

“(A) describes the actions that have been taken and that are planned to implement subsection (f) of section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104), as added by subsection (d)(1); and

“(B) identifies by country and by United States diplomatic or consular post the number of visa applications denied during the previous calendar year with respect to which the basis for such denial, included grounds related to human trafficking (as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by subsection (d)(2)).

“(2) ANNUAL REPORT.—Beginning with the first annual anti-trafficking report that is required under subsection (b)(1) of section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) to be submitted after the date of the enactment of this Act, and concurrent with each such subsequent submission for the following 7 years, the Secretary of State shall submit to the relevant congressional committees a report that contains information relating to the number and the locations of United States visa denials based, in whole or in part, on grounds related to human trafficking (as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by subsection (d)(2)) during the period covered by each such annual anti-trafficking report.

“(f) DEFINITIONS.—In this section:

“(1) LOCATION OF UNITED STATES VISA DENIALS.—The term ‘location of United States visa denials’ means—

“(A) the United States diplomatic or consular post at which a denied United States visa application was adjudicated; and

“(B) the city or locality of residence of the applicant whose visa application was so denied.

“(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means—

“(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.”

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see section 5 of Ex. Ord. No. 13257, Feb. 13, 2002, 67 F.R. 7259, as amended, set out as a note under section 7103 of this title.

§ 7104a. Compliance plan and certification requirement

(a) Requirement

The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 7104(g) of this title, as amended by section 1702, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 7104(g) of this title and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) Limitation

Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) Disclosure

The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) Guidance

The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(Pub. L. 112-239, div. A, title XVII, §1703, Jan. 2, 2013, 126 Stat. 2094.)

Editorial Notes

REFERENCES IN TEXT

Section 7104(g) of this title, as amended by section 1702, referred to in subsec. (a)(1), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112-239.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of section applicable to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after Jan. 2, 2013, and to task and delivery orders awarded on or after Jan. 2, 2013, pursuant to contracts entered before, on, or after such date, see section 7104d(c)(1)(B) of this title.

DEFINITIONS

Pub. L. 112-239, div. A, title XVII, §1701, Jan. 2, 2013, 126 Stat. 2092, provided that: “In this title [title XVII (§§1701-1708) of div. A of Pub. L. 112-239, enacting this section and sections 7104b to 7104d of this title, amending sections 7103 and 7104 of this title, section 1351 of Title 18, Crimes and Criminal Procedure, and section 2313 of Title 41, Public Contracts, and enacting provisions set out as a note under section 1101 of Title 8, Aliens and Nationality]:

“(1) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given the term in section 133 of title 41, United States Code.

“(2) SUBCONTRACTOR.—The term ‘subcontractor’ means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

“(3) SUBGRANTEE.—The term ‘subgrantee’ means a recipient of a grant at any tier under a grant or cooperative agreement.

“(4) UNITED STATES.—The term ‘United States’ has the meaning provided in section 103(12) [now 103(15)] of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12) [now 7102(15)]).”

§ 7104b. Monitoring and investigation of trafficking in persons

(a) Referral and investigation

(1) Referral

If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 7104(g) of this title, as amended by section 1702, including a report from a contracting officer representative, an auditor, an alleged victim or victim’s representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency’s Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 7104a of this title.

(2) Investigation

An Inspector General who receives a referral under paragraph (1) or otherwise receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 7104(g) of this title, as amended by section 1702, shall promptly review the referral or information and determine whether to initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall document the rationale for the decision not to investigate.

(3) Criminal investigation

If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. The Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of an indictment, information, or criminal complaint against the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor. If the criminal investigation results in a decision not to prosecute, the Inspector General shall promptly determine whether to resume any investigation that was suspended pursuant to this paragraph. In the event that an Inspector General does not resume an investigation, the Inspector General shall document the rationale for the decision.

(b) Report

Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation to the head of the executive agency that awarded the contract, grant, or cooperative agreement. The report shall include the Inspector General’s conclusions regarding whether or not any allegations that the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 7104(g) of this title, as amended by section 1702, are substantiated.

(c) Remedial actions

(1) In general

Upon receipt of an Inspector General’s report substantiating an allegation that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 7104(g) of this title, as amended by section 1702, or notification of an indictment, information, or criminal complaint for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 7104(g) of this title.

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) Savings clause

Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) Mitigating factor

Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 7104a of this title, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) Aggravating factor

Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) Inclusion of report conclusions in FAPIIS

(1) In general

The head of an executive agency shall ensure that any substantiated allegation in the report under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS) and that the contractor has an opportunity to respond to any such report in accordance with applicable statutes and regulations.

(2) Omitted

(Pub. L. 112-239, div. A, title XVII, §1704, Jan. 2, 2013, 126 Stat. 2094.)

Editorial Notes

REFERENCES IN TEXT

Section 7104(g) of this title, as amended by section 1702, referred to in subsecs. (a)(1), (2), (b), and (c)(1), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112-239.

CODIFICATION

Section is comprised of section 1704 of Pub. L. 112-239. Subsec. (d)(2) of section 1704 of Pub. L. 112-239 amended section 2313 of Title 41, Public Contracts.

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of subsec. (c) and second sentence of subsec. (a)(1) of this section applicable to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after Jan. 2, 2013, and to task and delivery orders awarded on or after Jan. 2, 2013, pursuant to contracts entered before, on, or after such date, see section 7104d(c)(1)(B) of this title.

§ 7104c. Notification to Inspectors General and cooperation with government

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 7104(g) of this title, as amended by section 1702 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(Pub. L. 112-239, div. A, title XVII, §1705, Jan. 2, 2013, 126 Stat. 2097.)

Editorial Notes

REFERENCES IN TEXT

Section 7104(g) of this title, as amended by section 1702 of this Act, referred to in par. (1), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112-239.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

§ 7104d. Rules of construction; effective date

(a) Liability

Excluding section 1706, nothing in this title shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702.

(b) Authority of Department of Justice

Nothing in this title shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this title.

(c) Implementation and effective dates

(1) Contracting requirements

(A) Not later than 270 days after January 2, 2013, the Federal Acquisition Regulation shall

be amended to carry out the requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title.

(B) The requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title, shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after January 2, 2013, and to task and delivery orders awarded on or after such date pursuant to contracts entered before, on, or after such date.

(2) Investigative and procedural requirements

Federal agencies shall implement the requirements of sections 1704, 1705, and 1707 (other than subsection (c) of section 1704) not later than 90 days after January 2, 2013.

(3) Criminal law changes

The amendments made by section 1706 shall take effect upon the date of enactment and shall apply to conduct taking place on or after such date.

(Pub. L. 112-239, div. A, title XVII, §1708, Jan. 2, 2013, 126 Stat. 2098.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in text, is title XVII of div. A of Pub. L. 112-239, which enacted this section and sections 7104a to 7104c of this title, amended sections 7103 and 7104 of this title, section 1351 of Title 18, Crimes and Criminal Procedure, and section 2313 of Title 41, Public Contracts, and enacted provisions set out as a note under section 1101 of Title 8, Aliens and Nationality. For complete classification of title XVII to the Code, see Tables.

Section 1706, referred to in subsecs. (a) and (c)(3), is section 1706 of Pub. L. 112-239, which amended section 1351 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as a note under section 1101 of Title 8, Aliens and Nationality.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, referred to in subsec. (a), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112-239.

Section 1702, referred to in subsecs. (a) and (c)(1), is section 1702 of Pub. L. 112-239, which amended section 7104 of this title.

Section 1703, referred to in subsec. (c)(1), is section 1703 of Pub. L. 112-239, which is classified to section 7104a of this title.

Section 1704, referred to in subsec. (c)(1), (2), is section 1704 of Pub. L. 112-239, which enacted section 7104b of this title and amended section 2313 of Title 41, Public Contracts.

Section 1705, referred to in subsec. (c)(2), is section 1705 of Pub. L. 112-239, which is classified to section 7104c of this title.

Section 1707, referred to in subsec. (c)(2), is section 1707 of Pub. L. 112-239, which amended section 7103 of this title.

The date of enactment, referred to in subsec. (c)(3), probably means the date of enactment of Pub. L. 112-239, which was approved Jan. 2, 2013.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

§ 7104e. Preventing future trafficking in the United States through receipt of complaints abroad

(a) In general

The Secretary of State shall ensure that each diplomatic or consular post or other mission designates an employee to be responsible for receiving information from—

(1) any person who was a victim of a severe form of trafficking in persons (as such term is defined in section 7102(14)¹ of this title) while present in the United States; or

(2) any person who has information regarding a victim described in paragraph (1).

(b) Provision of information

Any information received pursuant to subsection (a) shall be transmitted to the Department of Justice, the Department of Labor, the Department of Homeland Security, and to any other relevant Federal agency for appropriate response. The Attorney General, the Secretary of Labor, the Secretary of Homeland Security, and the head of any other such relevant Federal agency shall establish a process to address any actions to be taken in response to such information.

(c) Assistance from foreign governments

The employee designated for receiving information pursuant to subsection (a) should coordinate with foreign governments or civil society organizations in the countries of origin of victims of severe forms of trafficking in persons, with the permission of and without compromising the safety of such victims, to ensure that such victims receive any additional support available.

(Pub. L. 115-425, title I, §102, Jan. 8, 2019, 132 Stat. 5474.)

Editorial Notes

REFERENCES IN TEXT

Section 7102(14) of this title, referred to in subsec. (a)(1), was redesignated section 7102(16) of this title by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was enacted as part of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

§ 7105. Protection and assistance for victims of trafficking

(a) Assistance for victims in other countries

(1) In general

The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be de-

¹ See References in Text note below.

signed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force, and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons. In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:

(A) Support for local in-country nongovernmental organization-operated hotlines, culturally and linguistically appropriate protective shelters, and regional and international nongovernmental organization networks and databases on trafficking, including support to assist nongovernmental organizations in establishing service centers and systems that are mobile and extend beyond large cities.

(B) Support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations.

(C) Education and training for trafficked women and girls.

(D) The safe integration or reintegration of trafficked individuals into an appropriate community or family, with full respect for the wishes, dignity, and safety of the trafficked individual.

(E) Support for developing or increasing programs to assist families of victims in locating, repatriating, and treating their trafficked family members, in assisting the voluntary repatriation of these family members or their integration or resettlement into appropriate communities, and in providing them with treatment.

(F) In cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations that contract with, or receive grants from, the United States Government to assist refugees and internally displaced persons, support for—

(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and

(ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.

(2) Additional requirement

In establishing and conducting programs and initiatives described in paragraph (1), the Sec-

retary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims. In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis and shall brief Congress annually on such efforts.

(b) Victims in the United States

(1) Assistance

(A) Eligibility for benefits and services

Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [8 U.S.C. 1601 et seq.], an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8, shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 1157 of title 8.

(B) Requirement to expand benefits and services

(i) In general

Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, and aliens classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8, without regard to the immigration status of such victims. In the case of nonentitlement programs funded by the Secretary of Health and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.

(ii) National human trafficking hotline

Beginning in fiscal year 2017, and in each fiscal year thereafter, the Secretary of Health and Human Services shall make grants for a national communication system to assist victims of severe forms of trafficking in persons in communicating with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to victims of severe forms of trafficking in persons. The number of the national

human trafficking hotline described in this clause shall be posted in a visible place in all Federal buildings.

(C) Definition of victim of a severe form of trafficking in persons

For the purposes of this paragraph, the term “victim of a severe form of trafficking in persons” means only a person—

(i) who has been subjected to an act or practice described in section 7102(8) of this title as in effect on October 28, 2000; and

(ii)(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(D) Repealed. Pub. L. 108-193, § 6(a)(2), Dec. 19, 2003, 117 Stat. 2880

(E) Certification

(i) In general

Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Secretary of Homeland Security, that the person referred to in subparagraph (C)(ii)(I)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons or is unable to cooperate with such a request due to physical or psychological trauma; and

(II)(aa) has made a bona fide application for a visa under section 1101(a)(15)(T) of title 8, as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Secretary of Homeland Security is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) Period of effectiveness

A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Secretary of Homeland Security determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) Investigation and prosecution defined

For the purpose of a certification under this subparagraph, the term “investigation and prosecution” includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons;

(III) testimony at proceedings against such persons; or

(IV) responding to and cooperating with requests for evidence and information.

(iv) Assistance to investigations

In making the certification described in this subparagraph with respect to the as-

sistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved.

(F) No requirement of official certification for United States citizens and lawful permanent residents

Nothing in this section may be construed to require United States citizens or lawful permanent residents who are victims of severe forms of trafficking to obtain an official certification from the Secretary of Health and Human Services in order to access any of the specialized services described in this subsection or any other Federal benefits and protections to which they are otherwise entitled.

(G) Eligibility for interim assistance of children

(i) Determination

Upon receiving credible information that a child described in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph may have been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly determine if the child is eligible for interim assistance under this paragraph. The Secretary shall have exclusive authority to make interim eligibility determinations under this clause. A determination of interim eligibility under this clause shall not affect the independent determination whether a child is a victim of a severe form of trafficking.

(ii) Notification

The Secretary of Health and Human Services shall notify the Attorney General and the Secretary of Homeland Security not later than 24 hours after all interim eligibility determinations have been made under clause (i).

(iii) Duration

Assistance under this paragraph may be provided to individuals determined to be eligible under clause (i) for a period of up to 90 days and may be extended for an additional 30 days.

(iv) Long-term assistance for children

(I) Eligibility determination

Before the expiration of the period for interim assistance under clause (iii), the Secretary of Health and Human Services shall determine if the child referred to in clause (i) is eligible for assistance under this paragraph.

(II) Consultation

In making a determination under subclause (I), the Secretary shall consult

with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe form¹ of trafficking.

(III) Letter of eligibility

If the Secretary, after receiving information the Secretary believes, taken as a whole, indicates that the child is eligible for assistance under this paragraph, the Secretary shall issue a letter of eligibility. The Secretary may not require that the child cooperate with law enforcement as a condition for receiving such letter of eligibility.

(H) Notification of children for interim assistance

Not later than 24 hours after a Federal, State, or local official discovers that a person who is under 18 years of age may be a victim of a severe form of trafficking in persons, the official shall notify the Secretary of Health and Human Services to facilitate the provision of interim assistance under subparagraph (G).

(2) Grants

(A) In general

Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of human trafficking, including programs that provide trauma-informed care or housing options to such victims who are—

- (i) between 12 and 24 years of age; and
- (ii) homeless, in foster care, or involved in the criminal justice system;
- (ii) transitioning out of the foster care system; or
- (iii) women or girls in underserved populations.

(B) Allocation of grant funds

Of amounts made available for grants under this paragraph, there shall be set aside—

- (i) three percent for research, evaluation, and statistics;
- (ii) 5 percent for training and technical assistance, including increasing capacity and expertise on security for and protection of service providers from intimidation or retaliation for their activities; and
- (iii) one percent for management and administration.

(C) Limitation on Federal share

The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(D) Priority

In selecting recipients of grants under this paragraph that are only available for law en-

forcement operations or task forces, the Attorney General may give priority to any applicant that files an attestation with the Attorney General stating that—

(i) the grant funds awarded under this paragraph—

(I) will be used to assist in the prevention of severe forms of trafficking in persons;

(II) will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking;

(III) will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and

(IV) will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services; and

(ii) the applicant will provide dedicated resources for anti-human trafficking law enforcement officers for a period that is longer than the duration of the grant received under this paragraph.

(c) Trafficking victim regulations

Not later than 180 days after October 28, 2000, the Attorney General, the Secretary of Homeland Security and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Protections while in custody

Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) Access to information

Victims of severe forms of trafficking shall have access to information about their rights and translation services. To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.

¹ So in original. Probably should be "forms".

(3) Authority to permit continued presence in the United States

(A) Trafficking victims

(i) In general

If a Federal law enforcement official files an application stating that an alien is a victim of a severe form of trafficking and may be a potential witness to such trafficking, the Secretary of Homeland Security may permit the alien to remain in the United States to facilitate the investigation and prosecution of those responsible for such crime.

(ii) Safety

While investigating and prosecuting suspected traffickers, Federal law enforcement officials described in clause (i) shall endeavor to make reasonable efforts to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

(iii) Continuation of presence

The Secretary shall permit an alien described in clause (i) who has filed a civil action under section 1595 of title 18 to remain in the United States until such action is concluded. If the Secretary, in consultation with the Attorney General, determines that the alien has failed to exercise due diligence in pursuing such action, the Secretary may revoke the order permitting the alien to remain in the United States.

(iv) Exception

Notwithstanding clause (iii), an alien described in such clause may be deported before the conclusion of the administrative and legal proceedings related to a complaint described in such clause if such alien is inadmissible under paragraph (2)(A)(i)(II), (2)(B), (2)(C), (2)(E), (2)(H), (2)(I), (3)(A)(i), (3)(A)(iii), (3)(B), or (3)(C) of section 1182(a) of title 8.

(B) Parole for relatives

Law enforcement officials may submit written requests to the Secretary of Homeland Security, in accordance with section 1229b(b)(6) of title 8, to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).

(C) State and local law enforcement

The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(i) develop materials to assist State and local law enforcement officials in working with Federal law enforcement to obtain continued presence for victims of a severe form of trafficking in cases investigated or prosecuted at the State or local level; and

(ii) distribute the materials developed under clause (i) to State and local law enforcement officials.

(4) Training of Government personnel

(A) In general

Appropriate personnel of the Department of State, including members of the Service (as such term is defined in section 3903 of this title), the Department of Homeland Security, the Department of Health and Human Services, the Department of Labor, the Equal Employment Opportunity Commission, and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims, including juvenile victims. The Attorney General and the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall provide training to State and local officials to improve the identification and protection of such victims.

(B) Training components

Training under this paragraph shall include—

(i) a distance learning course on trafficking-in-persons issues and the Department of State's obligations under this Act, which shall be designed for embassy reporting officers, regional bureaus' trafficking-in-persons coordinators, and their superiors;

(ii) specific trafficking-in-persons briefings for all ambassadors and deputy chiefs of mission before such individuals depart for their posts;

(iii) at least annual reminders to all personnel referred to in clauses (i) and (ii), including appropriate personnel from other Federal departments and agencies, at each diplomatic or consular post of the Department of State located outside the United States of—

(I) key problems, threats, methods, and warning signs of trafficking in persons specific to the country or jurisdiction in which each such post is located; and

(II) appropriate procedures to report information that any such personnel may acquire about possible cases of trafficking in persons; and

(iv) a discussion clarifying that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18 and is a party to a human trafficking offense.

(d) Construction

Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) Protection from removal for certain crime victims

(1)–(4) Omitted

(5) Statutory construction

Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Secretary of Homeland Se-

curity from instituting removal proceedings under section 1229a of title 8 against an alien admitted as a nonimmigrant under section 1101(a)(15)(T)(i) of title 8, as added by subsection (e), for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Secretary of Homeland Security prior to the alien's admission as a nonimmigrant under such section 1101(a)(15)(T)(i) of title 8.

(f)² Assistance for United States citizens and lawful permanent residents

(1) In general

The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of Labor, shall establish a program to assist United States citizens and aliens lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8) who are victims of severe forms of trafficking. In determining the assistance that would be most beneficial for such victims, the Secretary and the Attorney General shall consult with nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

(2) Use of existing programs

In addition to specialized services required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall—

(A) facilitate communication and coordination between the providers of assistance to such victims;

(B) provide a means to identify such providers; and

(C) provide a means to make referrals to programs for which such victims are already eligible, including programs administered by the Department of Justice and the Department of Health and Human Services.

(3) Grants

(A) In general

The Secretary of Health and Human Services and the Attorney General may award grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victim service organizations to develop, expand, and strengthen victim service programs authorized under this subsection.

(B) Maximum Federal share

The Federal share of a grant awarded under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted by the grantee.

(f)² Omitted

(g) Annual reports

On or before October 31 of each year, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eli-

gible applicants who did not receive visas under section 1101(a)(15)(T) of title 8, as added by subsection (e), or who were unable to adjust their status under section 1255(l) of title 8, solely on account of the unavailability of visas due to a limitation imposed by section 1184(o)(2) or 1255(l)(4)(A) of title 8.

(Pub. L. 106-386, div. A, §107, Oct. 28, 2000, 114 Stat. 1474; Pub. L. 107-228, div. A, title VI, §682(a), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 108-193, §§4(a)(1)–(3), 6(a)(2), 8(b)(2), Dec. 19, 2003, 117 Stat. 2877, 2880, 2887; Pub. L. 109-162, title VIII, §804, Jan. 5, 2006, 119 Stat. 3055; Pub. L. 109-164, title I, §102(a), Jan. 10, 2006, 119 Stat. 3560; Pub. L. 110-457, title I, §104, title II, §§205(a)(1), 212, 213(a)(1), (3), Dec. 23, 2008, 122 Stat. 5046, 5060, 5063, 5064, 5066; Pub. L. 113-4, title XII, §§1203(b), 1234, Mar. 7, 2013, 127 Stat. 139, 146; Pub. L. 114-22, title I, §102, title II, §§224, 231, title VI, §603, May 29, 2015, 129 Stat. 230, 250, 259; Pub. L. 114-271, §1(a), (b), Dec. 14, 2016, 130 Stat. 1398; Pub. L. 115-392, §18(b), Dec. 21, 2018, 132 Stat. 5258; Pub. L. 115-393, title III, §302, title V, §501(c), Dec. 21, 2018, 132 Stat. 5272, 5276; Pub. L. 115-425, title I, §103, Jan. 8, 2019, 132 Stat. 5475.)

Editorial Notes

REFERENCES IN TEXT

Section 1101(a)(15)(T)(ii) of title 8, referred to in subsec. (b)(1)(A), (B), was in the original “section 101(a)(15)(T)(ii)”, and was translated as meaning section 101(a)(15)(T)(ii) of the Immigration and Nationality Act, act June 27, 1952, ch. 477, which is classified to section 1101(a)(15)(T)(ii) of title 8, to reflect the probable intent of Congress. Section 101 of Pub. L. 106-386 does not contain a subsec. (a)(15)(T)(ii), and section 101(a)(15)(T)(ii) of the Immigration and Nationality Act describes certain nonimmigrant aliens.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in subsec. (b)(1)(A), is Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105. Title IV of the Act is classified principally to chapter 14 (§1601 et seq.) of Title 8, Aliens and Nationality. For complete classification of title IV to the Code, see Tables.

Section 7102(8) of this title as in effect on October 28, 2000, referred to in subsec. (b)(1)(C)(i), means section 7102(8) of this title prior to the amendments made by Pub. L. 113-4, title XII, §1212(b)(1)(A), Mar. 7, 2013, 127 Stat. 143, and Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503. As amended, par. (8) of section 7102 of this title was redesignated as par. (11).

This Act, referred to in subsec. (c)(4)(B)(i), is the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1464. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

For the amendments made by this section, referred to in subsec. (e)(5), see Codification note below.

CODIFICATION

Section is comprised of section 107 of Pub. L. 106-386. Subsec. (e)(1)–(4) of section 107 of Pub. L. 106-386 amended sections 1101, 1182, and 1184 of Title 8, Aliens and Nationality, and second subsec. (f) of section 107 of Pub. L. 106-386 amended section 1255 of Title 8.

AMENDMENTS

2019—Subsec. (b)(2)(A). Pub. L. 115-425 substituted “programs for victims of human trafficking, including programs that provide trauma-informed care or housing options to such victims who are—” and cls. (i) to

² So in original. Two subses. (f) have been enacted.

(iii) for “programs for victims of trafficking, including programs that provide housing to victims of trafficking.”

2018—Subsec. (b)(1)(B)(ii). Pub. L. 115–392 inserted at end “The number of the national human trafficking hotline described in this clause shall be posted in a visible place in all Federal buildings.”

Subsec. (b)(2)(D). Pub. L. 115–393, § 302, added subpar. (D).

Subsec. (c)(4)(B)(iv). Pub. L. 115–393, § 501(c), added cl. (iv).

2016—Subsec. (b)(1)(B). Pub. L. 114–271, § 1(b), amended directory language of Pub. L. 114–22, § 603. See 2015 Amendment note below.

Subsec. (b)(1)(B)(ii). Pub. L. 114–271, § 1(a), struck out “of amounts made available for grants under paragraph (2),” before “the Secretary of Health and Human Services shall make grants”.

2015—Subsec. (b)(1)(B). Pub. L. 114–22, § 603, as amended by Pub. L. 114–271, § 1(b), designated existing provisions as cl. (i) and inserted heading and added cl. (ii).

Subsec. (b)(1)(F) to (H). Pub. L. 114–22, § 102, added subpar. (F), redesignated former subpars. (F) and (G) as (G) and (H), respectively, and, in subpar. (H), substituted “subparagraph (G)” for “subparagraph (F)”.

Subsec. (b)(2)(A). Pub. L. 114–22, § 224, inserted “, including programs that provide housing to victims of trafficking” before period at end.

Subsec. (c)(4). Pub. L. 114–22, § 231, designated existing provisions as subpar. (A) and inserted heading, inserted “, including members of the Service (as such term is defined in section 3903 of this title)” after “Department of State”, and added subpar. (B). Amendment was executed to this section, which is section 107 of the Trafficking Victims Protection Act of 2000, to reflect the probable intent of Congress, notwithstanding directory language purporting to amend section 105 of such Act, which is classified to section 7103 of this title and does not contain a subsec. (c)(4).

2013—Subsec. (a)(2). Pub. L. 113–4, § 1203(b), inserted “and shall brief Congress annually on such efforts” before period at end.

Subsec. (c)(4). Pub. L. 113–4, § 1234, inserted “the Department of Labor, the Equal Employment Opportunity Commission,” before “and the Department of Justice” in first sentence, and “, in consultation with the Secretary of Labor,” before “shall provide training” in second sentence.

2008—Subsec. (a)(1). Pub. L. 110–457, § 104(1)(A), inserted “, and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons” after “as identified by the Task Force” in introductory provisions.

Subsec. (a)(1)(F). Pub. L. 110–457, § 104(1)(B), added subpar. (F).

Subsec. (a)(2). Pub. L. 110–457, § 104(2), inserted at end “In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.”

Subsec. (b)(1)(E)(i)(I). Pub. L. 110–457, § 212(a)(1), inserted “or is unable to cooperate with such a request due to physical or psychological trauma” before semicolon.

Subsec. (b)(1)(F), (G). Pub. L. 110–457, § 212(a)(2), added subpars. (F) and (G).

Subsec. (b)(2)(B)(ii). Pub. L. 110–457, § 213(a)(3), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “two percent for training and technical assistance; and”.

Subsec. (c)(3). Pub. L. 110–457, § 205(a)(1), amended par. (3) generally. Prior to amendment, text read as follows: “Federal law enforcement officials may permit an alien individual’s continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall

protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.”

Subsec. (c)(4). Pub. L. 110–457, § 212(b), inserted “, the Department of Homeland Security, the Department of Health and Human Services,” before “and the Department of Justice” and “, including juvenile victims. The Attorney General and the Secretary of Health and Human Services shall provide training to State and local officials to improve the identification and protection of such victims” before period at end.

Subsec. (f). Pub. L. 110–457, § 213(a)(1), added subsec. (f) relating to assistance for United States citizens and lawful permanent residents.

2006—Subsec. (b)(1)(E). Pub. L. 109–162, § 804(b)(1), (2), which directed amendment of cl. (i) by inserting “and the Secretary of Homeland Security” after “Attorney General” in introductory provisions and in subcl. (II)(bb) and the amendment of cl. (ii) by inserting “Secretary of Homeland Security” after “Attorney General”, could not be executed because the words “Attorney General” did not appear subsequent to the amendment by Pub. L. 109–162, § 804(a)(1). See below.

Pub. L. 109–162, § 804(a)(1), substituted “Secretary of Homeland Security” for “Attorney General” wherever appearing.

Subsec. (b)(1)(E)(iii)(IV). Pub. L. 109–162, § 804(b)(3), added subcl. (IV).

Subsec. (c). Pub. L. 109–162, § 804(a)(2), inserted “, the Secretary of Homeland Security” after “Attorney General” in introductory provisions.

Subsec. (c)(2). Pub. L. 109–164 inserted at end “To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.”

Subsec. (e)(5). Pub. L. 109–162, § 804(a)(1), (c), made identical amendments, substituting “Secretary of Homeland Security” for “Attorney General” in two places.

Subsec. (g). Pub. L. 109–162, § 804(d), which directed the insertion of “or the Secretary of Homeland Security” after “Attorney General”, could not be executed because the words “Attorney General” did not appear subsequent to the amendment by Pub. L. 109–162, § 804(a)(1). See below.

Pub. L. 109–162, § 804(a)(1) substituted “Secretary of Homeland Security” for “Attorney General”.

2003—Subsec. (a)(1)(B). Pub. L. 108–193, § 4(a)(1), inserted before period at end “, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations”.

Subsec. (b)(1)(A). Pub. L. 108–193, § 4(a)(2)(A), inserted “, or an alien classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8,” after “in persons”.

Subsec. (b)(1)(B). Pub. L. 108–193, § 4(a)(2)(B), inserted “and aliens classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8,” after “United States,” and inserted sentence at end relating to nonentitlement programs funded by the Secretary of Health and Human Services.

Subsec. (b)(1)(D). Pub. L. 108–193, § 6(a)(2), struck out subpar. (D) which related to annual reports on the number of persons receiving benefits or services under paragraph (1).

Subsec. (b)(1)(E)(iv). Pub. L. 108–193, § 4(a)(3), added cl. (iv).

Subsec. (g). Pub. L. 108–193, § 8(b)(2), substituted “1184(o)(2)” for “1184(n)(1)”.

2002—Subsec. (a)(1). Pub. L. 107–228 inserted “In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:” at end of introductory provisions and added subpars. (A) to (E).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2016 AMENDMENT**

Pub. L. 114-271, §1(c), Dec. 14, 2016, 130 Stat. 1398, provided that: “The amendments made by this Act [amending this section] shall take effect as if enacted as part of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 227).”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-457, title II, §205(a)(2), Dec. 23, 2008, 122 Stat. 5061, provided that: “The amendment made by paragraph (1) [amending this section]—

“(A) shall take effect on the date of the enactment of this Act [Dec. 23, 2008];

“(B) shall apply to pending requests for continued presence filed pursuant to section 107(c)(3) of the Trafficking Victims Protection Act [of 2000] (22 U.S.C. 7105(c)(3)) and requests filed on or after such date; and

“(C) may not be applied to an alien who is not present in the United States.”

SAVINGS PROVISION

Pub. L. 109-162, title I, §104(b), Jan. 5, 2006, 119 Stat. 2979, provided that: “Nothing in this Act [see Tables for classification], or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).”

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING

Pub. L. 109-164, title I, §102(b), Jan. 10, 2006, 119 Stat. 3561, as amended by Pub. L. 110-457, title III, §§302(1), 304(b), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113-4, title XII, §1252(1), Mar. 7, 2013, 127 Stat. 156, provided that:

“(1) STUDY.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 10, 2006], the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

“(B) FACTORS.—In carrying out the study under subparagraph (A), the Administrator shall—

“(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the appropriate size of such facilities, services to be provided, length of stay, and cost; and

“(ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.

“(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

“(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

“(A) provide benefits and services to victims of trafficking, including shelter, psychological coun-

seling, and assistance in developing independent living skills;

“(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

“(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

“(4) SELECTION OF SITES.—The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).

“(5) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to victims of trafficking.

“(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.”

§ 7105a. Increasing effectiveness of anti-trafficking programs**(a) Awarding of grants, cooperative agreements, and contracts**

In administering funds made available to carry out this Act within and outside the United States—

(1) solicitations of grants, cooperative agreements, and contracts for such programs shall be made publicly available;

(2) grants, cooperative agreements, and contracts shall be subject to full and open competition, in accordance with applicable laws; and

(3) the internal department or agency review process for such grants, cooperative agreements, and contracts shall not be subject to ad hoc or intermittent review or influence by individuals or organizations outside the United States Government except as provided under paragraphs (1) and (2).

(b) Eligibility**(1) In general**

An applicant desiring a grant, contract, or cooperative agreement under this Act shall certify that, to the extent practicable, persons or entities providing legal services, social services, health services, or other assistance have completed, or will complete, training in connection with trafficking in persons.

(2) Disclosure

If appropriate, applicants should indicate collaboration with nongovernmental organizations, including organizations with expertise in trafficking in persons.

(c) Evaluation of anti-trafficking programs**(1) In general**

The President shall establish a system to evaluate the effectiveness and efficiency of the assistance provided under anti-trafficking programs established under this Act on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

(2) Requirements

In carrying out paragraph (1), the President shall—

(A) establish performance goals for the assistance described in paragraph (1), expressed in an objective and quantifiable form, to the extent practicable;

(B) ensure that performance indicators are used for programs authorized under this Act to measure and assess the achievement of the performance goals described in subparagraph (A);

(C) provide a basis for recommendations for adjustments to the assistance described in paragraph (1) to enhance the impact of such assistance; and

(D) ensure that evaluations are conducted by subject matter experts in and outside the United States Government, to the extent practicable.

(d) Targeted use of anti-trafficking programs

In providing assistance under this chapter, the President should take into account the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 7107(b) of this title.

(e) Consistency with other programs

The President shall ensure that the design, monitoring, and evaluation of United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) and other similar United States assistance programs are consistent with United States policies and other United States programs relating to combating trafficking in persons.

(f) Authorization of appropriations

For each of the fiscal years 2008 through 2011, not more than 5 percent of the amounts made available to carry out this chapter may be used to carry out this section, including—

(1) evaluations of promising anti-trafficking programs and projects funded by the disbursing agency pursuant to this Act; and

(2) evaluations of emerging problems or global trends.

(Pub. L. 106-386, div. A, § 107A, as added Pub. L. 110-457, title I, § 105, Dec. 23, 2008, 122 Stat. 5047.)

Editorial Notes**REFERENCES IN TEXT**

This Act, referred to in text, is the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1464. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

This chapter, referred to in subsecs. (d) and (f), was in the original “this division”, meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (e), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§ 2151 et seq.) of chapter 32 of this title. Chapter 4 of part II

of the Act is classified generally to part IV (§ 2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 7105b. Improving domestic victim screening procedures**(a) Victim screening tools**

Not later than October 1, 2018, the Attorney General shall compile and disseminate, to all grantees who are awarded grants to provide victims’ services under subsection (b) or (f) of section 7105 of this title, information about reliable and effective tools for the identification of victims of human trafficking.

(b) Use of screening procedures

Beginning not later than October 1, 2018, the Attorney General, in consultation with the Secretary of Health and Human Services, shall identify recommended practices for the screening of human trafficking victims and shall encourage the use of such practices by grantees receiving a grant to provide victim services to youth under subsection (b) or (f) of section 7105 of this title.

(Pub. L. 106-386, div. A, § 107B, as added Pub. L. 115-393, title III, § 303(a), Dec. 21, 2018, 132 Stat. 5273.)

Editorial Notes**REFERENCES IN TEXT**

Subsection (f) of section 7105 of this title, referred to in text, was in the original a reference to subsec. (f) of section 107 of Pub. L. 106-386 and was translated as referring to section 7105(f) of this title, which relates to assistance for trafficking victims who are United States citizens and lawful permanent residents. Another subsec. (f) of section 107 of Pub. L. 106-386 amended section 1255 of Title 8, Aliens and Nationality.

§ 7106. Minimum standards for the elimination of trafficking**(a) Minimum standards**

For purposes of this chapter, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) Criteria

In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly-reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of

trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone or enable such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.

(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

(9) Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with—

(A) domestic civil society organizations, private sector entities, or international non-governmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or

(B) the United States toward agreed goals and objectives in the collective fight against trafficking.

(10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

(11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

(12) Whether the government of the country has made serious and sustained efforts to reduce the demand for—

(A) commercial sex acts; and

(B) participation in international sex tourism by nationals of the country.

(Pub. L. 106-386, div. A, § 108, Oct. 28, 2000, 114 Stat. 1480; Pub. L. 108-193, § 6(d), Dec. 19, 2003, 117 Stat. 2881; Pub. L. 109-164, title I, § 104(b)(1), Jan. 10, 2006, 119 Stat. 3564; Pub. L. 110-457, title I, § 106, Dec. 23, 2008, 122 Stat. 5048; Pub. L. 113-4, title XII, § 1204, Mar. 7, 2013, 127 Stat. 139; Pub. L. 115-425, title II, § 202, Jan. 8, 2019, 132 Stat. 5482; Pub. L. 115-427, § 5, Jan. 9, 2019, 132 Stat. 5505.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this division”, meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

AMENDMENTS

2019—Subsec. (b)(1). Pub. L. 115-425, § 202(1), substituted “a demonstrably increasing capacity” for “the capacity” and struck out at end “During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.”

Subsec. (b)(7). Pub. L. 115-427 inserted “or enable” after “condone”.

Pub. L. 115-425, § 202(2), substituted “, consistent with a demonstrably increasing capacity of such government to obtain such data,” for “consistent with its resources” and struck out at end “During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.”

2013—Subsec. (b)(3). Pub. L. 113-4, § 1204(1), substituted “diplomatic, peacekeeping,” for “peacekeeping” and “, a transparent system for remediating or punishing such public officials as a deterrent, measures” for “, and measures”, and inserted before period at end “, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting”.

Subsec. (b)(4). Pub. L. 113-4, § 1204(2), inserted “and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries” before period at end.

Subsec. (b)(7). Pub. L. 113-4, § 1204(3), inserted “, including diplomats and soldiers,” after “public officials” and “A government’s failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria.” after “condone such trafficking,” and substituted “diplomatic, peacekeeping,” for “peacekeeping”.

Subsec. (b)(9) to (12). Pub. L. 113-4, § 1204(4), (5), added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively.

2008—Subsec. (a). Pub. L. 110-457, § 106(1), struck out “a significant number of” before “victims” in introductory provisions.

Subsec. (b)(1). Pub. L. 110-457, § 106(2)(A), substituted “, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly-reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons.” for period at end of first sentence.

Subsec. (b)(2). Pub. L. 110-457, § 106(2)(B), inserted “, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims” before period at end.

Subsec. (b)(3). Pub. L. 110-457, § 106(2)(C), substituted “measures to establish the identity of local populations, including birth registration, citizenship, and nationality” for “measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country”.

Subsec. (b)(11). Pub. L. 110-457, § 106(2)(D), added par. (11).

2006—Subsec. (b)(3). Pub. L. 109-164, § 104(b)(1), inserted before period at end “, measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards”.

Subsec. (b)(7). Pub. L. 109-164, § 104(b)(2), substituted “persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking,” for “persons,” in first sentence.

2003—Subsec. (b)(1). Pub. L. 108-193, § 6(d)(1), substituted “, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country” for “that take place wholly or partly within the territory of the country” and inserted two sentences at end relating to presumption that foreign government has not vigorously investigated, prosecuted, convicted or sentenced acts of severe forms of trafficking in persons and disregard of presumption by Secretary of State under certain circumstances.

Subsec. (b)(7). Pub. L. 108-193, § 6(d)(2), substituted “, prosecutes, convicts, and sentences” for “and prosecutes” and inserted two sentences at end relating to presumption that foreign government has not vigorously investigated, prosecuted, convicted or sentenced acts of severe forms of trafficking in persons and disregard of presumption by Secretary of State under certain circumstances.

Subsec. (b)(8) to (10). Pub. L. 108-193, § 6(d)(3), added pars. (8) to (10).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2006 AMENDMENT**

Pub. L. 109-164, title I, §104(b)(2), Jan. 10, 2006, 119 Stat. 3564, provided that: “The amendments made by subparagraphs (A) and (B) of paragraph (1) [amending this section] take effect beginning two years after the date of the enactment of this Act [Jan. 10, 2006].”

§ 7107. Actions against governments failing to meet minimum standards**(a) Statement of policy**

It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that—

- (1) does not comply with minimum standards for the elimination of trafficking; and
- (2) is not making significant efforts to bring itself into compliance with such standards.

(b) Reports to Congress**(1) Annual report**

Not later than June 30 of each year, the Secretary of State shall submit to the appropriate congressional committees a report describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 7106 of this title, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should include—

(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards based only on concrete actions taken by the country that are recorded during the reporting period;

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period;

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance;

(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization's employees, contractor personnel, and peace-

keeping forces in trafficking in persons or the exploitation of victims of trafficking;

(E) reporting and analysis on the emergence or shifting of global patterns in human trafficking, including data on the number of victims trafficked to, through, or from major source and destination countries, disaggregated by nationality, gender, and age, to the extent possible;

(F) emerging issues in human trafficking;

(G) a section entitled “Promising Practices in the Eradication of Trafficking in Persons” to highlight effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and

(H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 7106 of this title.

(2) Special watch list**(A) Submission of list**

Not later than the date on which the determinations described in subsections (c) and (d) are submitted to the appropriate congressional committees in accordance with such subsections, the Secretary of State shall submit to the appropriate congressional committees a list of countries that the Secretary determines requires special scrutiny during the following year. The list shall be composed of the following countries:

(i) Countries that have been listed pursuant to paragraph (1)(A) in the current annual report and were listed pursuant to paragraph (1)(B) in the previous annual report.

(ii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report and were listed pursuant to paragraph (1)(C) in the previous annual report.

(iii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, where—

(I) the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or

(II) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.

(B) Interim assessment

Not later than February 1st of each year, the Secretary of State shall provide to the

appropriate congressional committees an assessment of the progress that each country on the special watch list described in subparagraph (A) has made since April 1 of the previous year.

(C) Relation of special watch list to annual trafficking in persons report

A determination that a country shall not be placed on the special watch list described in subparagraph (A) shall not affect in any way the determination to be made in the following year as to whether a country is complying with the minimum standards for the elimination of trafficking or whether a country is making significant efforts to bring itself into compliance with such standards.

(D) Countries on special watch list for 2 consecutive years

(i) In general

Except as provided under clause (ii), a country that is included on the special watch list described in subparagraph (A) for 2 consecutive years after December 23, 2008, shall be included on the list of countries described in paragraph (1)(C).

(ii) Exercise of waiver authority

The President may waive the application of clause (i) for up to 1 year if the President determines, and reports credible evidence to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, that such a waiver is justified because—

(I) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking;

(II) the plan, if implemented, would constitute making such significant efforts; and

(III) the country is devoting sufficient resources to implement the plan.

(E) Congressional notice

Not later than 30 days after notifying Congress of each country determined to have met the requirements under subclauses (I) through (III) of subparagraph (D)(ii), the Secretary of State shall—

(i) provide a detailed description of the credible information supporting such determination on a publicly available website maintained by the Department of State; and

(ii) offer to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on any written plan submitted by the country under subparagraph (D)(ii)(I), with an opportunity to review the written plan.

(F) Special rule for certain countries on special watch list that are downgraded and reinstated on special watch list

Notwithstanding subparagraphs (D) and (E), a country may not be included on the

special watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country—

(i) was included on the special watch list described in subparagraph (A)(iii) for—

(I) 2 consecutive years after December 23, 2008; and

(II) any additional years after such date of enactment as a result of the President exercising the waiver authority under subparagraph (D)(ii); and

(ii) was subsequently included on the list of countries described in paragraph (1)(C).

(3) Significant efforts

(A) In general

In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—

(i) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;

(ii) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking;

(iii) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

(B) Proof of failure to make significant efforts

In addition to the considerations described in clauses (i), (ii), and (iii) of subparagraph (A), in determinations under paragraph (1)(C) as to whether the government of a country is not making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider, as proof of failure to make significant efforts, a government policy or pattern of—

(i) trafficking;

(ii) trafficking in government-funded programs;

(iii) forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors);

(iv) sexual slavery in government camps, compounds, or outposts; or

(v) employing or recruiting child soldiers.

(D)¹ the extent to which the government of the country is devoting sufficient budgetary resources—

(i) to investigate and prosecute acts of severe trafficking in persons;

(ii) to convict and sentence persons responsible for such acts; and

¹ So in original. No subpar. (C) has been enacted.

(iii) to obtain restitution for victims of human trafficking;

(E) the extent to which the government of the country is devoting sufficient budgetary resources—

(i) to protect and support victims of trafficking in persons; and

(ii) to prevent severe forms of trafficking in persons; and

(F) the extent to which the government of the country has consulted with domestic and international civil society organizations that resulted in concrete actions to improve the provision of services to victims of trafficking in persons.

(4) Action plans for countries upgraded to tier 2 watchlist

(A) In general

Not later than 180 days after the release of the annual Trafficking in Persons Report, the Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking and the Assistant Secretary of the appropriate regional bureau, in consultation with appropriate officials from the government of each country described in paragraph (2)(A)(ii), and with the assistance of the United States Ambassador or Charge d'Affaires in each country, shall—

(i) prepare an action plan for each country upgraded from Tier 3 to Tier 2 Watchlist to further improve such country's tier ranking under this subsection; and

(ii) present the relevant action plan to the government of each such country.

(B) Contents

Each action plan prepared under this paragraph—

(i) shall include specific concrete actions to be taken by the country to substantively address deficiencies preventing the country from meeting Tier 2 standards, based on credible information; and

(ii) should be focused on short-term and multi-year goals.

(C) Briefings

The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

(D) Savings provision

Nothing in this paragraph may be construed as modifying—

(i) minimum standards for the elimination of trafficking under section 7106 of this title; or

(ii) the actions against governments failing to meet minimum standards under this

section or the criteria for placement on the Special Watch List under paragraph (2).

(c) Notification

Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—

(A) does not comply with the minimum standards for the elimination of trafficking; and

(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) Presidential determinations

The determinations referred to in subsection (c) are the following:

(1) Withholding of nonhumanitarian, nontrade-related assistance

The President has determined that—

(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) Ongoing, multiple, broad-based restrictions on assistance in response to human rights violations

The President has determined that such country is already subject to multiple, broad-

based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) Subsequent compliance

The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) Continuation of assistance in the national interest

Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of non-humanitarian, nontrade-related foreign assistance or funding for participation in educational and cultural exchange programs, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this chapter or is otherwise in the national interest of the United States.

(5) Exercise of waiver authority

(A) In general

The President may exercise the authority under paragraph (4) with respect to—

- (i) all nonhumanitarian, nontrade-related foreign assistance or funding for participation in educational and cultural exchange programs to a country;
- (ii) all multilateral assistance described in paragraph (1)(B) to a country; or
- (iii) one or more programs, projects, or activities of such assistance.

(B) Avoidance of significant adverse effects

The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) Definition of multilateral development bank

In this subsection, the term “multilateral development bank” refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(e) Certification

Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 7102(8)(A)² of this title, or

with respect to any assistance described in section 7102(8)(B)² of this title, no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

(f) Subsequent waiver authority

After the President has made a determination described in subsection (d)(1) with respect to the government of a country, the President may at any time make a determination described in paragraphs (4) and (5) of subsection (d) to waive, in whole or in part, the measures imposed against the country by the previous determination under subsection (d)(1).

(Pub. L. 106-386, div. A, §110, Oct. 28, 2000, 114 Stat. 1482; Pub. L. 108-193, §6(e), (h), (i), Dec. 19, 2003, 117 Stat. 2882, 2884; Pub. L. 109-164, title I, §104(e)(1), Jan. 10, 2006, 119 Stat. 3565; Pub. L. 110-457, title I, §§107(a), (b), 108(b), Dec. 23, 2008, 122 Stat. 5049, 5051; Pub. L. 113-4, title XII, §§1205, 1212(b)(2)(A)(i), Mar. 7, 2013, 127 Stat. 139, 143; Pub. L. 115-425, title II, §203, Jan. 8, 2019, 132 Stat. 5482; Pub. L. 115-427, §6, Jan. 9, 2019, 132 Stat. 5505; Pub. L. 116-283, div. A, title XII, §1299R(b), Jan. 1, 2021, 134 Stat. 4027.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(4), was in the original “this division”, meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

Section 7102(8) of this title, referred to in subsec. (e), was redesignated section 7102(10) of this title by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116-283 substituted “June 30” for “June 1”.

2019—Subsec. (b)(1). Pub. L. 115-427, §6(1)(A), substituted “The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should” for “The report should” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 115-427, §6(1)(B), inserted “based only on concrete actions taken by the country that are recorded during the reporting period” after “such standards”.

Subsec. (b)(1)(B). Pub. L. 115-427, §6(1)(C), inserted “based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period” after “compliance”.

Subsec. (b)(1)(H). Pub. L. 115-427, §6(1)(D)–(F), added subpar. (H).

Subsec. (b)(2)(A)(iii)(I). Pub. L. 115-425, §203(1)(A), substituted “estimated” for “absolute” and inserted “and the country is not taking proportional concrete actions” before semicolon at end.

Subsec. (b)(2)(A)(iii)(III). Pub. L. 115-427, §6(2)(A)(iii), struck out subcl. (III) which read as follows: “the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.”

Subsec. (b)(2)(B). Pub. L. 115-427, §6(2)(B), substituted “April 1 of the previous year” for “the last annual report”.

² See References in Text note below.

Subsec. (b)(2)(D)(ii). Pub. L. 115-427, §6(2)(C), substituted “1 year” for “2 years” in introductory provisions.

Subsec. (b)(2)(E). Pub. L. 115-427, §6(2)(D), substituted “Congressional” for “Public” in heading and “shall—” and cls. (i) and (ii) for “shall provide a detailed description of the credible evidence supporting such determination on a publicly available website maintained by the Department of State.”

Subsec. (b)(2)(F). Pub. L. 115-425, §203(1)(B), added subpar. (F).

Subsec. (b)(3). Pub. L. 115-425, §203(2), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), realigned margins, and added subpar. (B).

Subsec. (b)(3)(C). Pub. L. 115-427, §6(3)(B), which directed striking the semicolon at end and inserting a period, could not be executed because there is no subpar. (C). See amendment of subsec. (b)(3) by Pub. L. 115-425, §203(2) above.

Subsec. (b)(3)(D) to (F). Pub. L. 115-427, §6(3)(A), (C), added subpars. (D) to (F).

Subsec. (b)(4). Pub. L. 115-427, §6(4), added par. (4).
2013—Subsec. (b)(1). Pub. L. 113-4, §1205(1)(A), in introductory provisions, substituted “describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 7106 of this title, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report should include—” for “with respect to the status of severe forms of trafficking in persons that shall include—”.

Subsec. (b)(1)(G). Pub. L. 113-4, §1205(1)(B)–(D), added subpar. (G).

Subsec. (b)(2) to (4). Pub. L. 113-4, §1205(2)–(4), redesignated pars. (3) and (4) as (2) and (3), respectively, added subpar. (E) in par. (2), and struck out former par. (2) which related to interim reports.

Subsec. (e). Pub. L. 113-4, §1212(b)(2)(A)(i), substituted “section 7102(8)(A)” for “section 7102(7)(A) and “section 7102(8)(B)” for “section 7102(7)(B)”.

2008—Subsec. (b)(1)(E), (F). Pub. L. 110-457, §108(b), added subpars. (E) and (F).

Subsec. (b)(3)(D). Pub. L. 110-457, §107(a), added subpar. (D).

Subsec. (d)(1)(A)(ii). Pub. L. 110-457, §107(b), inserted “such assistance to the government of the country for the subsequent fiscal year and will not provide” after “the United States will not provide”.

2006—Subsec. (b)(1)(D). Pub. L. 109-164 added subpar. (D).

2003—Subsec. (b)(3), (4). Pub. L. 108-193, §6(e), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d)(4). Pub. L. 108-193, §6(h)(1), inserted “or funding for participation in educational and cultural exchange programs” after “nonhumanitarian, nontrade-related foreign assistance”.

Subsec. (d)(5)(A)(i). Pub. L. 108-193, §6(h)(2), inserted “or funding for participation in educational and cultural exchange programs” after “foreign assistance”.

Subsec. (f). Pub. L. 108-193, §6(i), added subsec. (f).

COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT

Pub. L. 115-427, §7(a), Jan. 9, 2019, 132 Stat. 5507, provided that:

“(a) IN GENERAL.—Not less than annually, the Secretary of State shall provide, to the foreign minister of each country that has been downgraded to a ‘Tier 2 Watch List’ country pursuant to the Trafficking in Persons report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))—

“(1) a copy of the annual Trafficking in Persons report; and

“(2) information pertinent to that country’s downgrade, including—

“(A) confirmation of the country’s designation to the Tier 2 Watch List;

“(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

“(C) the factors that contributed to the downgrade; and

“(D) the steps that the country must take to be considered for an upgrade in status of designation.”

Statutory Notes and Related Subsidiaries

CHILD PROTECTION STRATEGIES IN WATCH LIST COUNTRIES

Pub. L. 115-425, title II, §204(b), Jan. 8, 2019, 132 Stat. 5484, provided that:

“(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall incorporate into the relevant country development cooperation strategy for each country on the list described in paragraph (1)(C) of section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) or the special watch list described in paragraph (2)(A)(iii) of such section, strategies for the protection of children and the reduction of the risk of trafficking.

“(2) COMPONENTS.—The child protection and trafficking reduction strategies required under paragraph (1) shall—

“(A) address the root causes of insecurity that leave children and youth vulnerable to trafficking; and

“(B) include common metrics and indicators to monitor progress across Federal agencies to prevent, address, and end violence against children and youth globally in post-conflict and post-disaster areas.”

TRANSLATION OF TRAFFICKING-IN-PERSONS REPORT

Pub. L. 110-457, title I, §107(c), Dec. 23, 2008, 122 Stat. 5050, provided that: “The Secretary of State shall—

“(1) timely translate the annual report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) into the principal languages of as many countries as possible, with particular emphasis on the languages of the countries on the lists described in subparagraphs (B) and (C) of section 110(b)(1) of such Act; and

“(2) ensure that the translations described in paragraph (1) are made available to the public through postings on the Internet website of the Department of State and other appropriate websites.”

Executive Documents

PRESIDENTIAL DETERMINATION WITH RESPECT TO THE EFFORTS OF FOREIGN GOVERNMENTS REGARDING TRAFFICKING IN PERSONS

Determination of President of the United States, No. 2020-12, Sept. 28, 2020, 85 F.R. 71209, provided:

Memorandum for the Secretary of State

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) (the “Act”), as amended, I hereby determine as follows:

As provided for in section 110(d)(1)(A)(i) of the Act, and subject to the determinations below regarding assistance related to the COVID-19 pandemic, the Ebola virus disease, and meeting minimum standards for the elimination of trafficking in persons, I determine that the United States will not provide nonhumanitarian, nontrade-related assistance to the Governments of Burundi, China, Cuba, the Democratic People’s Republic of Korea (DPRK), Eritrea, Iran, Nicaragua, Russia, and Syria for Fiscal Year (FY) 2021 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards.

As provided for in section 110(d)(1)(A)(ii) of the Act, and subject to the determinations below regarding assistance related to the COVID-19 pandemic, the Ebola virus disease, and meeting minimum standards for the elimination of trafficking in persons, I determine that the United States will not provide nonhumanitarian,

nontrade-related assistance to, or allow funding for participation in educational and cultural exchange programs by officials or employees of, the Governments of Cuba, the DPRK, and Syria for FY 2021 until such governments comply with the Act's minimum standards for the elimination of trafficking or make significant efforts to bring themselves into compliance with the minimum standards.

As provided for in section 110(d)(1)(B) of the Act, and subject to the determinations below regarding assistance related to the COVID-19 pandemic, the Ebola virus disease, and meeting minimum standards for the elimination of trafficking in persons, I hereby instruct the United States Executive Director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance; for trade-related assistance; or for development assistance that directly addresses basic human needs, is not administered by the government of such country, and confers no benefit to that government) for the Governments of Burundi, China, Comoros, Cuba, the DPRK, Eritrea, Iran, Nicaragua, Russia, and Syria for FY 2021 until such governments comply with the Act's minimum standards or make significant efforts to bring themselves into compliance with the minimum standards.

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1) of the Act for programs, projects, activities, and assistance to respond to the threat posed by the COVID-19 pandemic would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1) of the Act for programs, projects, activities, and assistance to respond to the threat posed by the Ebola virus disease would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1) of the Act for programs, projects, activities, and assistance designed to meet the minimum standards for the elimination of trafficking in persons would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1)(A)(i) of the Act with respect to Burma—with the exception of Global Health Programs (GHP), Peacekeeping Operations (PKO), Foreign Military Financing (FMF), International Military Education and Training (IMET), Foreign Military Sales (FMS), and Excess Defense Articles—would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow IMET assistance with respect to Comoros would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow PKO and Development Assistance with respect to South Sudan would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that the provision of all programs, projects, and activities described in section 110(d)(1)(A)(i) of the Act with respect to the Governments of Afghanistan, Algeria, Belarus, Lesotho, Papua New Guinea, Turkmenistan, and Venezuela would promote the purposes of the Act or is otherwise in the national interest of the United States; and

Consistent with section 110(d)(4) of the Act, I determine that providing the assistance described in section

110(d)(1)(B) of the Act to Afghanistan, Algeria, Belarus, Burma, Lesotho, Papua New Guinea, South Sudan, Turkmenistan, and Venezuela would promote the purposes of the Act or is otherwise in the national interest of the United States.

You are authorized and directed to submit this determination, the certification required by section 110(e) of the Act, and the Memorandum of Justification, on which I have relied, to the Congress, and to publish the determination in the Federal Register.

DONALD J. TRUMP.

Prior determinations and certifications regarding trafficking in persons were contained in the following:

Determination of President of the United States, No. 2020-02, Oct. 18, 2019, 84 F.R. 59521.

Determination of President of the United States, No. 2019-05, Nov. 29, 2018, 83 F.R. 65281.

Determination of President of the United States, No. 2017-15, Sept. 30, 2017, 82 F.R. 50047.

Determination of President of the United States, No. 2016-12, Sept. 27, 2016, 81 F.R. 70311.

Determination of President of the United States, No. 2016-01, Oct. 5, 2015, 80 F.R. 62435.

Determination of President of the United States, No. 2014-16, Sept. 18, 2014, 79 F.R. 57699.

Determination of President of the United States, No. 2013-16, Sept. 17, 2013, 78 F.R. 58861.

Determination of President of the United States, No. 2012-16, Sept. 14, 2012, 77 F.R. 58921, as corrected by Department of State Public Notice 8048, dated Sept. 28, 2012, 77 F.R. 61046.

Determination of President of the United States, No. 2011-18, Sept. 30, 2011, 76 F.R. 62599.

Determination of President of the United States, No. 2010-15, Sept. 10, 2010, 75 F.R. 67017, 68411.

Determination of President of the United States, No. 2009-29, Sept. 14, 2009, 74 F.R. 48365.

Determination of President of the United States, No. 2009-5, Oct. 17, 2008, 73 F.R. 63839.

Determination of President of the United States, No. 2008-4, Oct. 18, 2007, 72 F.R. 61037.

Determination of President of the United States, No. 2006-25, Sept. 26, 2006, 71 F.R. 64431.

Determination of President of the United States, No. 2005-37, Sept. 21, 2005, 70 F.R. 57481.

Determination of President of the United States, No. 2004-46, Sept. 10, 2004, 69 F.R. 56155.

Determination of President of the United States, No. 2003-35, Sept. 9, 2003, 68 F.R. 53871.

DELEGATION OF WAIVER AUTHORITY PURSUANT TO SECTION 107(a) OF PUBLIC LAW 110-457

Memorandum of President of the United States, Sept. 20, 2010, 75 F.R. 67023, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 107(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457).

You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

DELEGATION OF AUTHORITY UNDER SECTIONS 110(c) AND (d)(4) OF THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Memorandum of President of the United States, Oct. 5, 2015, 80 F.R. 65605, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the authority under section 110(d)(4) of the Trafficking Victims Protection Act of 2000 (the "Act") (22 U.S.C. 7107(d)(4)) to waive the application of the prohibition in

section 110(d)(1)(A)(i) of the Act to Yemen during Fiscal Year 2016, as applicable, and to make the determinations necessary for such waiver. I hereby also delegate to the Secretary of State the authority under section 110(c) of the Act to notify the appropriate congressional committees of such waiver and the justification for granting such waiver.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

Prior provisions delegating authority under section 110(d)(4) and (c) or (f) of the Trafficking Victims Protection Act of 2000 were contained in the following:

Memorandum of President of the United States, July 29, 2013, 78 F.R. 48027.—Syria, fiscal year 2013.

Memorandum of President of the United States, Feb. 3, 2012, 77 F.R. 11375.—Burma, fiscal year 2012.

§ 7108. Actions against significant traffickers in persons

(a) Authority to sanction significant traffickers in persons

(1) In general

The President may exercise the authorities set forth in section 1702 of title 50 without regard to section 1701 of title 50, or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note), in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

(D) Officials of a foreign government who participate in, facilitate, or condone severe forms of trafficking in persons for significant financial gain.

(2) Penalties

The penalties set forth in section 1705 of title 50 apply to violations of any license, order, or regulation issued under this section.

(b) Report to Congress on identification and sanctioning of significant traffickers in persons

(1) In general

Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees—

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

(2) Removal of sanctions

Upon suspending or terminating any action imposed under the authority of subsection (a),

the President shall report to the committees described in paragraph (1) on such suspension or termination.

(3) Submission of classified information

Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

(c) Law enforcement and intelligence activities not affected

Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(d) Omitted

(e) Implementation

(1) Delegation of authority

The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).

(2) Promulgation of rules and regulations

The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.

(3) Opportunity for review

Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).

(f) Definition of foreign persons

In this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(g) Construction

Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).

(Pub. L. 106–386, div. A, §111, Oct. 28, 2000, 114 Stat. 1484; Pub. L. 115–425, title I, §124, Jan. 8, 2019, 132 Stat. 5479.)

Editorial Notes

CODIFICATION

Section is comprised of section 111 of Pub. L. 106–386. Subsec. (d) of section 111 of Pub. L. 106–386 amended section 1182 of Title 8, Aliens and Nationality.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 115–425, §124(1), inserted “, or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note),” after “without regard to section 1701 of title 50” in introductory provisions.

Subsec. (a)(1)(D). Pub. L. 115-425, §124(2), added subpar. (D).

§ 7109. Strengthening prosecution and punishment of traffickers

(a) Omitted

(b) Amendment to the Sentencing Guidelines

(1) Pursuant to its authority under section 994 of title 28 and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act [29 U.S.C. 201 et seq.] and the Migrant and Seasonal Agricultural Worker Protection Act [29 U.S.C. 1801 et seq.].

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

- (i) involve a large number of victims;
- (ii) involve a pattern of continued and flagrant violations;
- (iii) involve the use or threatened use of a dangerous weapon; or
- (iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(Pub. L. 106-386, div. A, §112, Oct. 28, 2000, 114 Stat. 1486.)

Editorial Notes

REFERENCES IN TEXT

The Fair Labor Standards Act, referred to in subsec. (b)(1), probably means the Fair Labor Standards Act of 1938, act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Migrant and Seasonal Agricultural Worker Protection Act, referred to in subsec. (b)(1), is Pub. L. 97-470, Jan. 14, 1983, 96 Stat. 2584, as amended, which is classified generally to chapter 20 (§1801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 29 and Tables.

The Sentencing Act of 1987, referred to in subsec. (b)(3), is Pub. L. 100-182, Dec. 7, 1987, 101 Stat. 1266. Section 21(a) of the Act is set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure. For complete classification of this Act to the Code, see Short Title of 1987 Amendment note set out under section 3551 of Title 18, Crimes and Criminal Procedure, and Tables.

CODIFICATION

Section is comprised of section 112 of Pub. L. 106-386. Subsec. (a) of section 112 of Pub. L. 106-386 enacted sections 1589 to 1594 of Title 18, Crimes and Criminal Procedure, and amended sections 1581, 1583, and 1584 of Title 18.

§ 7109a. Research on domestic and international trafficking in persons

(a) In general

The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this chapter and provides data to address the problems identified in the findings of this chapter. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

(1) The economic causes and consequences of trafficking in persons.

(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

(3) The interrelationship between trafficking in persons and global health risks, particularly HIV/AIDS.

(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis, which shall include, not later than 2 years after December 23, 2008, the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center.

(6) The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.

(b) Role of Human Smuggling and Trafficking Center

(1) In general

The research initiatives described in paragraphs (4) and (5) of subsection (a) shall be carried out by the Human Smuggling and Traf-

ficking Center, established under section 1777 of title 8.

(2) Database

The database described in subsection (a)(5) shall be established by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking, consistent with the protection of sources and methods, and, to the maximum extent practicable, applicable data from relevant international organizations, to—

(A) improve the coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data;

(B) promote uniformity of such data collection and standards and systems related to such collection;

(C) undertake a meta-analysis of patterns of trafficking in persons, slavery, and slave-like conditions to develop and analyze global trends in human trafficking;

(D) identify emerging issues in human trafficking and establishing integrated methods to combat them; and

(E) identify research priorities to respond to global patterns and emerging issues.

(3) Consultation

The database established in accordance with paragraph (2) shall be maintained in consultation with the Director of the Office to Monitor and Combat Trafficking in Persons of the Department of State.

(4) Authorization of appropriations

There are authorized to be appropriated \$1,000,000 to the Human Smuggling and Trafficking Center for each of the fiscal years 2018 through 2021 to carry out the activities described in this subsection.

(c) Definitions

In this section:

(1) AIDS

The term “AIDS” means the acquired immune deficiency syndrome.

(2) HIV

The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS

The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(Pub. L. 106–386, div. A, § 112A, as added Pub. L. 108–193, § 6(g)(1), Dec. 19, 2003, 117 Stat. 2883; amended Pub. L. 109–164, title I, § 104(c)(1), Jan. 10, 2006, 119 Stat. 3564; Pub. L. 110–457, title I, § 108(a), Dec. 23, 2008, 122 Stat. 5050; Pub. L. 113–4, title XII, § 1251(1), Mar. 7, 2013, 127 Stat. 155; Pub. L. 115–393, title III, § 301(a)(1), Dec. 21, 2018, 132 Stat. 5271.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this division” meaning division A of Pub. L.

106–386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

AMENDMENTS

2018—Subsec. (b)(4). Pub. L. 115–393 substituted “2018 through 2021” for “2014 through 2017”.

2013—Subsec. (b)(4). Pub. L. 113–4 substituted “\$1,000,000” for “\$2,000,000” and “2014 through 2017” for “2008 through 2011”.

2008—Subsec. (a)(5). Pub. L. 110–457, § 108(a)(1), amended par. (5) generally. Prior to amendment, text read as follows: “An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.”

Subsec. (b). Pub. L. 110–457, § 108(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “The research initiatives described in subsection (a)(4) of this section shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 1777 of title 8).”

2006—Pub. L. 109–164 designated existing provisions as subsec. (a), inserted subsec. heading, substituted “the Director of National Intelligence” for “the Director of Central Intelligence” in introductory provisions, inserted “, particularly HIV/AIDS” before period at end of par. (3), and added pars. (4) to (6) and subsecs. (b) and (c).

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see section 6 of Ex. Ord. No. 13257, Feb. 13, 2002, 67 F.R. 7259, as amended, set out as a note under section 7103 of this title.

§ 7109b. Presidential Award for Extraordinary Efforts To Combat Trafficking in Persons

(a) Establishment of award

The President is authorized to establish an award, to be known as the “Presidential Award for Extraordinary Efforts To Combat Trafficking in Persons”, for extraordinary efforts to combat trafficking in persons. To the maximum extent practicable, the Secretary of State shall present the award annually to not more than 5 individuals or organizations, including—

(1) individuals who are United States citizens or foreign nationals; and

(2) United States or foreign nongovernmental organizations.

(b) Selection

The President shall establish procedures for selecting recipients of the award authorized under subsection (a).

(c) Ceremony

The Secretary of State shall host an annual ceremony for recipients of the award authorized under subsection (a) as soon as practicable after the date on which the Secretary submits to Congress the report required under section 7107(b)(1) of this title. The Secretary of State may pay the travel costs of each recipient and a guest of each recipient who attends the ceremony.

(d) Authorization of appropriations

There are authorized to be appropriated, for each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out this section.

(Pub. L. 106-386, div. A, § 112B, as added Pub. L. 110-457, title I, § 109, Dec. 23, 2008, 122 Stat. 5051.)

§ 7110. Authorizations of appropriations

(a) Authorization of appropriations in support of the task force

There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, \$13,822,000 for Diplomatic and Consular Programs of the Office to Monitor and Combat Trafficking in Persons, which shall be used to carry out sections 7103(e), 7103(f),¹ and 7107 of this title, including for additional personnel.

(b) Authorization of appropriations to the Secretary of Health and Human Services

(1) Eligibility for benefits and assistance

To carry out the purposes of sections 7104(b) and 7105(b) of this title, there are authorized to be appropriated to the Secretary of Health and Human Services \$19,500,000 for each of the fiscal years 2018 through 2021, of which \$3,500,000 is authorized to be appropriated for each fiscal year for the National Human Trafficking Hotline.

(2) Additional benefits for trafficking victims

To carry out the purposes of section 7105(f)¹ of this title, there are authorized to be appropriated \$8,000,000 to the Secretary of Health and Human Services for each of the fiscal years 2018 through 2021.

(c) Authorization of appropriations to the Secretary of State

(1) Assistance to combat trafficking

There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, \$65,000,000, which shall be used—

(A) to carry out sections 7104 and 7105(a) of this title;

(B) to carry out section 2152d of this title;

(C) to assist countries in meeting the minimum standards described in section 7106 of this title; and

(D) for programs and activities on prevention, protection, and prosecution to combat all forms of trafficking in persons internationally, including training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.

(2) Preparation of annual country reports on human rights

To carry out the purposes of sections 2151n(f) and 2304(h) of this title, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices.

(d) Authorization of appropriations to Attorney General

(1) Eligibility for benefits and assistance

To carry out the purposes of section 7105(b) of this title, there are authorized to be appro-

riated to the Attorney General \$77,000,000 for each of fiscal years 2018 through 2021.

(2) Assistance to foreign countries

To carry out the purposes of section 2152d of this title, there are authorized to be appropriated to the President, acting through the Attorney General and the Secretary of State, \$250,000 for each of fiscal years 2008 through 2011 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.

(3) Additional benefits for trafficking victims

To carry out the purposes of section 7105(f)¹ of this title, there are authorized to be appropriated \$11,000,000 to the Attorney General for each of the fiscal years 2018 through 2021.

(e) Authorization of appropriations to President

(1) Foreign victim assistance

To carry out the purposes of section 7104 of this title, there are authorized to be appropriated to the President \$7,500,000 for each of the fiscal years 2014 through 2017.

(2) Assistance to foreign countries to meet minimum standards

To carry out the purposes of section 2152d of this title, there are authorized to be appropriated to the President \$7,500,000 for each of the fiscal years 2014 through 2017.

(3) Research

To carry out the purposes of section 7109a of this title, there are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2008 through 2011.

(f) Authorization of appropriations to the Secretary of Labor

To carry out the purposes of section 7105(b) of this title, there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for each of the fiscal years 2018 through 2021..²

(g) Limitation on use of funds

(1) Restriction on programs

No funds made available to carry out this chapter, or any amendment made by this chapter, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

(2) Restriction on organizations

No funds made available to carry out this chapter, or any amendment made by this chapter, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 7102(9)(A)¹ of this title through any organization that has not stated in either a grant application, a grant agreement, or both, that it

¹ See References in Text note below.

² So in original.

does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.

(h) Authorization of appropriations to Director of the FBI

There are authorized to be appropriated to the Director of the Federal Bureau of Investigation \$15,000,000 for each of the fiscal years 2008 through 2011, to remain available until expended, to investigate severe forms of trafficking in persons.

(i) Authorization of appropriations to the Secretary of Homeland Security

There are authorized to be appropriated to the Secretary of Homeland Security,³ \$10,000,000 for each of the fiscal years 2018 through 2021, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.

(Pub. L. 106-386, div. A, § 113, Oct. 28, 2000, 114 Stat. 1490; Pub. L. 107-228, div. A, title VI, § 682(b), Sept. 30, 2002, 116 Stat. 1410; Pub. L. 108-193, § 7, Dec. 19, 2003, 117 Stat. 2884; Pub. L. 109-164, title III, § 301, Jan. 10, 2006, 119 Stat. 3572; Pub. L. 110-457, title II, § 213(a)(2), title III, § 301, Dec. 23, 2008, 122 Stat. 5065, 5085; Pub. L. 113-4, title XII, §§ 1212(b)(2)(A)(ii), 1251(2), Mar. 7, 2013, 127 Stat. 143, 155; Pub. L. 115-392, § 21, Dec. 21, 2018, 132 Stat. 5259; Pub. L. 115-393, title III, § 301(a)(2), Dec. 21, 2018, 132 Stat. 5271; Pub. L. 115-425, title I, § 101(b), title III, § 301, Jan. 8, 2019, 132 Stat. 5474, 5487.)

Editorial Notes

REFERENCES IN TEXT

Section 7103(f) of this title, referred to in subsec. (a), was redesignated section 7103(g) of this title by Pub. L. 113-4, title XII, § 1201(3), Mar. 7, 2013, 127 Stat. 136.

Section 7105(f) of this title, referred to in subsecs. (b)(2) and (d)(3), probably means the subsec. (f) of section 7105 of this title which relates to assistance for United States citizens and lawful permanent residents and was added by Pub. L. 110-457, title II, § 213(a)(1), Dec. 23, 2008, 122 Stat. 5064.

This chapter, referred to in subsec. (g), was in the original “this division”, meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

This Act, referred to in subsec. (g)(1), is the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1464, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

Section 7102(9)(A) of this title, referred to in subsec. (g)(2), was redesignated section 7102(11)(A) of this title by Pub. L. 115-427, § 2(1), Jan. 9, 2019, 132 Stat. 5503.

AMENDMENTS

2019—Subsec. (a). Pub. L. 115-425, § 301(1), amended subsec. (a) generally. Prior to amendment, text read as

follows: “To carry out the purposes of sections 7103(e), 7103(f) and 7107 of this title, there are authorized to be appropriated to the Secretary of State \$2,000,000 for each of the fiscal years 2014 through 2017. In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking \$1,500,000 for additional personnel, including regional trafficking in persons officers, for each of the fiscal years 2008 through 2011 for each of the fiscal years 2008 through 2011.”

Subsec. (b)(1). Pub. L. 115-425, § 301(2), substituted “\$19,500,000 for each of the fiscal years 2018 through 2021, of which \$3,500,000 is authorized to be appropriated for each fiscal year for the National Human Trafficking Hotline.” for “\$14,500,000 for each of the fiscal years 2014 through 2017”.

Pub. L. 115-425, § 101(b), substituted “sections 7104(b) and 7105(b) of this title” for “section 7105(b) of this title”.

Subsec. (c)(1). Pub. L. 115-425, § 301(3), amended par. (1) generally. Prior to amendment, par. (1) related to bilateral assistance to combat trafficking.

Subsec. (f). Pub. L. 115-425, § 301(4), substituted “2018 through 2021.” for “2014 through 2017”.

2018—Subsec. (b)(2). Pub. L. 115-392, § 21(1), substituted “2018 through 2021” for “2014 through 2017”.

Subsec. (d)(1). Pub. L. 115-393, § 301(a)(2)(A), which directed substitution of “\$77,000,000 for each of fiscal years 2018 through 2021” for “\$11,000,000 for each of fiscal years 2014 through 2017”, was executed by making the substitution for “\$11,000,000 for each of the fiscal years 2014 through 2017” to reflect the probable intent of Congress.

Subsec. (d)(3). Pub. L. 115-393, § 301(a)(2)(B), substituted “2018 through 2021” for “2014 through 2017”.

Subsec. (i). Pub. L. 115-392, § 21(2), substituted “2018 through 2021” for “2014 through 2017”.

2013—Subsec. (a). Pub. L. 113-4, § 1251(2)(A)(ii), which directed the insertion of “, including regional trafficking in persons officers,” after “for additional personnel,” was executed by making the insertion after “for additional personnel”, to reflect the probable intent of Congress.

Pub. L. 113-4, § 1251(2)(A)(i), (iii), substituted “\$2,000,000 for each of the fiscal years 2014 through 2017” for “\$5,500,000 for each of the fiscal years 2008 through 2011” and struck out “, and \$3,000 for official reception and representation expenses” before “for each of the fiscal years 2008 through 2011” the second time appearing.

Subsec. (b)(1). Pub. L. 113-4, § 1251(2)(B)(i), substituted “\$14,500,000 for each of the fiscal years 2014 through 2017” for “\$12,500,000 for each of the fiscal years 2008 through 2011”.

Subsec. (b)(2). Pub. L. 113-4, § 1251(2)(B)(ii), substituted “\$8,000,000 to the Secretary of Health and Human Services for each of the fiscal years 2014 through 2017.” for “to the Secretary of Health and Human Services—

“(A) \$2,500,000 for fiscal year 2008;

“(B) \$5,000,000 for fiscal year 2009;

“(C) \$7,000,000 for fiscal year 2010; and

“(D) \$7,000,000 for fiscal year 2011.”

Subsec. (c)(1)(A). Pub. L. 113-4, § 1251(2)(C)(i), substituted “2014 through 2017” for “2008 through 2011”.

Subsec. (c)(1)(B). Pub. L. 113-4, § 1251(2)(C)(ii), substituted “\$10,000,000 for each of the fiscal years 2014 through 2017” for “\$15,000,000 for fiscal year 2003 and \$10,000,000 for each of the fiscal years 2008 through 2011” and “2014 through 2017” for “2008 through 2011”.

Subsec. (c)(1)(C). Pub. L. 113-4, § 1251(2)(C)(iii), substituted “2014 through 2017” for “2008 through 2011”.

Subsec. (d). Pub. L. 113-4, § 1251(2)(D), redesignated subpars. (A) to (C) as pars. (1) to (3), respectively, realigned margins, in par. (1) substituted “\$11,000,000 for each of the fiscal years 2014 through 2017” for “\$10,000,000 for each of the fiscal years 2008 through 2011”, and in par. (3) substituted “\$11,000,000 to the Attorney General for each of the fiscal years 2014 through 2017.” for “to the Attorney General—

“(i) \$2,500,000 for fiscal year 2008;

³ So in original. The comma probably should not appear.

- “(ii) \$5,000,000 for fiscal year 2009;
- “(iii) \$7,000,000 for fiscal year 2010; and
- “(iv) \$7,000,000 for fiscal year 2011.”

Subsec. (e)(1). Pub. L. 113-4, § 1251(2)(E)(i), substituted “\$7,500,000 for each of the fiscal years 2014 through 2017” for “\$15,000,000 for each of the fiscal years 2008 through 2011”.

Subsec. (e)(2). Pub. L. 113-4, § 1251(2)(E)(ii), substituted “\$7,500,000 for each of the fiscal years 2014 through 2017” for “\$15,000,000 for each of the fiscal years 2008 through 2011”.

Subsec. (f). Pub. L. 113-4, § 1251(2)(F), substituted “\$5,000,000 for each of the fiscal years 2014 through 2017” for “\$10,000,000 for each of the fiscal years 2008 through 2011”.

Subsec. (g)(2). Pub. L. 113-4, § 1212(b)(2)(A)(ii), substituted “section 7102(9)(A)” for “7102(8)(A)”.

Subsec. (i). Pub. L. 113-4, § 1251(2)(G), substituted “\$10,000,000 for each of the fiscal years 2014 through 2017” for “\$18,000,000 for each of the fiscal years 2008 through 2011”.

2008—Subsec. (a). Pub. L. 110-457, § 301(1)(A)(ii), (B), in first sentence, substituted “\$5,500,000 for each of the fiscal years 2008 through 2011” for “\$1,500,000 for fiscal year 2001, \$3,000,000 for each of the fiscal years 2002 and 2003, \$5,000,000 for each of the fiscal years 2004 and 2005, and \$5,500,000 for each of the fiscal years 2006 and 2007” and, in second sentence, substituted “\$1,500,000 for additional personnel for each of the fiscal years 2008 through 2011, and \$3,000 for official reception and representation expenses” for “for official reception and representation expenses \$3,000” and “2008 through 2011” for “2006 and 2007”.

Pub. L. 110-457, § 301(1)(A)(i), which directed striking out “section 104, and”, was executed by striking out “section 104 and” after “the purposes of”, to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 110-457, § 213(a)(2)(A), designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

Subsec. (b)(1). Pub. L. 110-457, § 301(2), substituted “\$12,500,000 for each of the fiscal years 2008 through 2011” for “\$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 and \$15,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007.”

Subsec. (c)(1). Pub. L. 110-457, § 301(3)(A)(i), substituted “2008 through 2011” for “2004, 2005, 2006, and 2007” wherever appearing.

Subsec. (c)(1)(B). Pub. L. 110-457, § 301(3)(A)(ii), inserted at end “To carry out the purposes of section 7105(a)(1)(F) of this title, there are authorized to be appropriated to the Secretary of State \$1,000,000 for each of the fiscal years 2008 through 2011.”

Subsec. (c)(2). Pub. L. 110-457, § 301(3)(D), substituted “sections 2151n(f) and 2304(h) of this title” for “section 104” and struck out “, including the preparation and publication of the list described in subsection (a)(1) of that section” before period at end.

Pub. L. 110-457, § 301(3)(B), (C), redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text read as follows: “To carry out the purposes of section 2152d of this title, there is authorized to be appropriated to the Secretary of State for each of the fiscal years 2001 through 2005 \$300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for such fiscal year.”

Subsec. (c)(3). Pub. L. 110-457, § 301(3)(C), redesignated par. (3) as (2).

Subsec. (d). Pub. L. 110-457, § 213(a)(2)(B), designated first and second sentences as subpars. (A) and (B), respectively, inserted subpar. headings, and added subpar. (C).

Subsec. (d)(A). Pub. L. 110-457, § 301(4)(A), substituted “\$10,000,000 for each of the fiscal years 2008 through 2011” for “\$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 and \$15,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007”.

Subsec. (d)(B). Pub. L. 110-457, § 301(4)(B), substituted “2008 through 2011” for “2004, 2005, 2006, and 2007”.

Subsec. (e)(1). Pub. L. 110-457, § 301(5)(A), substituted “\$15,000,000 for each of the fiscal years 2008 through 2011.” for “\$5,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$15,000,000 for each of the fiscal years 2003 through 2007.”

Subsec. (e)(2). Pub. L. 110-457, § 301(5)(B), made technical amendment to reference in original act which appears in text as reference to section 2152d of this title and substituted “\$15,000,000 for each of the fiscal years 2008 through 2011.” for “\$5,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$15,000,000 for each of the fiscal years 2003 through 2007.”

Subsec. (e)(3). Pub. L. 110-457, § 301(5)(C), substituted “\$2,000,000 for each of the fiscal years 2008 through 2011.” for “\$300,000 for each of the fiscal years 2004 through 2007.”

Subsec. (f). Pub. L. 110-457, § 301(6), substituted “\$10,000,000 for each of the fiscal years 2008 through 2011.” for “\$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 and \$10,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007.”

Subsec. (h). Pub. L. 110-457, § 301(7), substituted “each of the fiscal years 2008 through 2011” for “fiscal year 2006”.

Subsec. (i). Pub. L. 110-457, § 301(8), substituted “2008 through 2011” for “2006 and 2007”.

2006—Subsec. (a). Pub. L. 109-164, § 301(1), substituted “\$5,000,000 for each of the fiscal years 2004 and 2005, and \$5,500,000 for each of the fiscal years 2006 and 2007. In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official reception and representation expenses \$3,000 for each of the fiscal years 2006 and 2007.” for “and \$5,000,000 for each of the fiscal years 2004 and 2005.”

Subsec. (b). Pub. L. 109-164, § 301(2), substituted “2004, 2005, 2006, and 2007” for “2004 and 2005”.

Subsec. (c)(1). Pub. L. 109-164, § 301(3), substituted “2004, 2005, 2006, and 2007” for “2004 and 2005” wherever appearing.

Subsec. (d). Pub. L. 109-164, § 301(4), substituted “2004, 2005, 2006, and 2007” for “2004 and 2005” in two places.

Subsec. (e). Pub. L. 109-164, § 301(5), substituted “2003 through 2007” for “2003 through 2005” in pars. (1) and (2) and “\$300,000 for each of the fiscal years 2004 through 2007” for “\$300,000 for fiscal year 2004 and \$300,000 for fiscal year 2005” in par. (3).

Subsec. (f). Pub. L. 109-164, § 301(6), substituted “2004, 2005, 2006, and 2007” for “2004 and 2005”.

Subsecs. (h), (i). Pub. L. 109-164, § 301(7), added subsecs. (h) and (i).

2003—Subsec. (a). Pub. L. 108-193, § 7(1), substituted “7103(e), 7103(f)” for “7103” and “, \$3,000,000 for each of the fiscal years 2002 and 2003, and \$5,000,000 for each of the fiscal years 2004 and 2005” for “and \$3,000,000 for each of the fiscal years 2002 and 2003”.

Subsec. (b). Pub. L. 108-193, § 7(2), inserted before period at end “and \$15,000,000 for each of the fiscal years 2004 and 2005”.

Subsec. (c)(1). Pub. L. 108-193, § 7(3)(A), amended heading and text of par. (1) generally. Text read as follows: “To carry out the purposes of section 7105(a) of this title, there are authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$15,000,000 for fiscal year 2003.”

Subsec. (c)(2). Pub. L. 108-193, § 7(3)(B), substituted “for each of the fiscal years 2001 through 2005” for “for each of the fiscal years 2001, 2002, and 2003”.

Subsec. (d). Pub. L. 108-193, § 7(4), inserted “and \$15,000,000 for each of the fiscal years 2004 and 2005” after “fiscal year 2002” and inserted at end sentence relating to authorization of appropriations to carry out training activities at the International Law Enforcement Academies.

Subsec. (e). Pub. L. 108-193, § 7(5), substituted “for each of the fiscal years 2003 through 2005” for “for fiscal year 2003” in pars. (1) and (2) and added par. (3).

Subsec. (f). Pub. L. 108-193, § 7(6), inserted “and \$10,000,000 for each of the fiscal years 2004 and 2005” before period at end.

Subsec. (g). Pub. L. 108–193, §7(7), added subsec. (g).
2002—Subsec. (a). Pub. L. 107–228, §682(b)(1), substituted “for each of the fiscal years 2002 and 2003” for “for fiscal year 2002”.

Subsec. (c)(1). Pub. L. 107–228, §682(b)(2)(A), substituted “, \$10,000,000 for fiscal year 2002, and \$15,000,000 for fiscal year 2003” for “and \$10,000,000 for fiscal year 2002”.

Subsec. (c)(2). Pub. L. 107–228, §682(b)(2)(B), substituted “there is authorized to be appropriated to the Secretary of State for each of the fiscal years 2001, 2002, and 2003” for “there are authorized to be appropriated to the Secretary of State” and “for such fiscal year” for “for fiscal year 2001”.

Subsec. (e)(1), (2). Pub. L. 107–228, §682(b)(3), substituted “, \$10,000,000 for fiscal year 2002, and \$15,000,000 for fiscal year 2003” for “and \$10,000,000 for fiscal year 2002”.

Statutory Notes and Related Subsidiaries

REFERENCES TO DIPLOMATIC AND CONSULAR PROGRAMS ACCOUNT

References to the Diplomatic and Consular Programs account to be construed to include the Diplomatic Programs account in fiscal year 2020 and each fiscal year thereafter, see par. (7) of title I of div. G of Pub. L. 116–94, set out as a note under section 2651 of this title.

RULE OF CONSTRUCTION

Pub. L. 110–457, title III, §303, Dec. 23, 2008, 122 Stat. 5087, provided that: “The amendments made by sections 301 and 302 [amending this section, sections 20701 to 20703 and 20705 of Title 34, Crime Control and Law Enforcement, and provisions set out as a note under section 7105 of this title] may not be construed to affect the availability of funds appropriated pursuant to the authorizations of appropriations under the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) [see Tables for classification] before the date of the enactment of this Act [Dec. 23, 2008].”

§ 7111. Report by Secretary of State

At least 15 days prior to voting for a new or reauthorized peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in an emergency, as far in advance as is practicable), the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a report that contains—

(A) a description of measures taken by the organization to prevent the organization’s employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation or abuse, and the measures in place to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and

(B) an analysis of the effectiveness of each of the measures referred to in subparagraph (A).

(Pub. L. 109–164, title I, §104(e)(2), Jan. 10, 2006, 119 Stat. 3566; Pub. L. 110–457, title III, §304(b), Dec. 23, 2008, 122 Stat. 5087.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

AMENDMENTS

2008—Pub. L. 110–457 substituted “Committee on Foreign Affairs” for “Committee on International Relations” in introductory provisions.

§ 7112. Additional activities to monitor and combat forced labor and child labor

(a) Activities of the Department of State

(1) Finding

Congress finds that in the report submitted to Congress by the Secretary of State in June 2005 pursuant to section 7107(b) of this title, the list of countries whose governments do not comply with the minimum standards for the elimination of trafficking and are not making significant efforts to bring themselves into compliance was composed of a large number of countries in which the trafficking involved forced labor, including the trafficking of women into domestic servitude.

(2) Sense of Congress

It is the sense of Congress that the Director of the Office to Monitor and Combat Trafficking of the Department of State should intensify the focus of the Office on forced labor in the countries described in paragraph (1) and other countries in which forced labor continues to be a serious human rights concern.

(3) Information sharing

The Secretary of State shall, on a regular basis, provide information relating to child labor and forced labor in the production of goods in violation of international standards to the Department of Labor to be used in developing the list described in subsection (b)(2)(C).

(b) Activities of the Department of Labor

(1) In general

The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in paragraph (2).

(2) Additional activities described

The additional activities referred to in paragraph (1) are—

(A) to monitor the use of forced labor and child labor in violation of international standards;

(B) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 7107(b) of this title;

(C) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced

labor or child labor in violation of international standards, including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor;

(D) to work with persons who are involved in the production of goods on the list described in subparagraph (C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and

(E) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

(3) Submission to Congress

Not later than December 1, 2014, and every 2 years thereafter, the Secretary of Labor shall submit the list developed under paragraph (2)(C) to Congress.

(Pub. L. 109-164, title I, §105, Jan. 10, 2006, 119 Stat. 3566; Pub. L. 113-4, title XII, §§1232, 1233, Mar. 7, 2013, 127 Stat. 146; Pub. L. 115-425, title I, §133(a), Jan. 8, 2019, 132 Stat. 5481.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

AMENDMENTS

2019—Subsec. (b)(2)(C). Pub. L. 115-425 inserted “, including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor” after “international standards”.

2013—Subsec. (a)(3). Pub. L. 113-4, §1233, added par. (3).

Subsec. (b)(3). Pub. L. 113-4, §1232, added par. (3).

Statutory Notes and Related Subsidiaries

CONSULTATIVE GROUP TO ELIMINATE THE USE OF CHILD LABOR AND FORCED LABOR IN IMPORTED AGRICULTURAL PRODUCTS

Pub. L. 110-246, title III, §3205, June 18, 2008, 122 Stat. 1838, provided for the establishment of a consultative group to make recommendations to the Secretary of Agriculture relating to guidelines to reduce the likelihood that agricultural products imported into the United States were produced with the use of forced labor or child labor and for the group's authority to terminate on Dec. 31, 2012.

§ 7113. Accountability

(a) In general

For fiscal year 2013, and each fiscal year thereafter, all grants awarded by the Attorney General under this title or an Act amended by this title shall be subject to the following accountability provisions:

(1) Audit requirement

(A) Definition

In this paragraph, the term “unresolved audit finding” means an audit report finding

in the final audit report of the Inspector General of the Department of Justice that the grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued¹

(B) Requirement

Beginning in the first fiscal year beginning after March 7, 2013, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this title or an Act amended by this title to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) Mandatory exclusion

A recipient of grant funds under this title or an Act amended by this title that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this title or an Act amended by this title during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) Priority

In awarding grants under this title or an Act amended by this title, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this title or an Act amended by this title.

(E) Reimbursement

If an entity is awarded grant funds under this title or an Act amended by this title during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

- (i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and
- (ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition

For purposes of this paragraph and the grant programs under this title or an Act amended by this title, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

(B) Prohibition

The Attorney General may not award a grant under this title or an Act amended by this title to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

¹ So in original. Probably should be followed by a period.

(C) Disclosure

Each nonprofit organization that is awarded a grant under this title or an Act amended by this title and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) Conference expenditures**(A) Limitation**

No amounts authorized to be appropriated to the Department of Justice under this title or an Act amended by this title may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this title or an Act amended by this title, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

(B) Written approval

Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) Annual certification

Beginning in the first fiscal year beginning after March 7, 2013, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification indicating whether—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(B) all mandatory exclusions required under paragraph (1)(C) have been issued;

(C) all reimbursements required under paragraph (1)(E) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(b) Application to additional grants

For purposes of subsection (a), for fiscal year 2018, and each fiscal year thereafter, the term “grant awarded by the Attorney General under this title or an Act amended by this title” includes a grant under any of the following:

(1) Section 20333 of title 34.

(2) The program under section 20709c of title 34.

(Pub. L. 113–4, title XII, §1236, Mar. 7, 2013, 127 Stat. 147; Pub. L. 115–393, title VI, §601, Dec. 21, 2018, 132 Stat. 5278.)

Editorial Notes**REFERENCES IN TEXT**

This title, referred to in text, means title XII of Pub. L. 113–4, Mar. 7, 2013, 127 Stat. 136. For complete classification of this title to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Violence Against Women Reauthorization Act of 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

AMENDMENTS

2018—Pub. L. 115–393 designated existing provisions as subsec. (a), inserted heading, substituted “For fiscal year 2013, and each fiscal year thereafter, all grants” for “All grants” in introductory provisions, and added subsec. (b).

§ 7114. Efforts to end modern slavery**(a) Actions by the Secretary of Defense****(1) In general**

Not later than 90 days after December 23, 2016, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the policies and guidance of the Department of Defense with respect to the education and training on human slavery and the appropriate role of the United States Armed Forces in combatting trafficking in persons that is received by personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations.

(2) Elements

The briefing required under paragraph (1) shall address—

(A) resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.

(b) Grant authorization

The Secretary of State is authorized to make a grant or grants of funding to provide support

for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) Monitoring and evaluation

Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and nongovernmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the suspension and termination, as appropriate, of projects supported by the grantee that regularly or consistently fail to meet the criteria required by this section.

(d) Auditing

(1) In general

Any grantee shall be subject to the same auditing, recordkeeping, and reporting obligations required under subsections (e), (f), (g), and (i) of section 4413 of this title.

(2) Comptroller General audit authority

(A) In general

The Comptroller General of the United States may evaluate the financial transactions of the grantee as well as the programs or activities the grantee carries out pursuant to this section.

(B) Access to records

Any grantee shall provide the Comptroller General, or the Comptroller General's duly authorized representatives, access to such records as the Comptroller General determines necessary to conduct evaluations authorized by this section.

(e) Annual report

Any grant recipient shall submit a report to the Secretary of State annually and the Secretary shall transmit it to the appropriate congressional committees within 30 days. Such report shall include the names of each of the projects or sub-grantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) Rule of construction regarding availability of fiscal year 2016 appropriations

The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations¹ Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) Authorization of appropriations; sunset

(1) Authorization of appropriations for fiscal years 2017 through 2020

There is authorized to be appropriated to the Department of State for the purpose of making a grant or grants authorized under this section, for each fiscal year from 2017 through 2020, \$37,500,000.

(2) Sunset

The authorities of subsections (b) through (f) shall expire on September 30, 2020.

(h) Comptroller General review of existing programs

(1) In general

Not later than September 30, 2018, and September 30, 2020, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) Consideration of report

The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within the jurisdiction of such committees to address the recommendations made in the report.

(i) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(Pub. L. 114–328, div. A, title XII, §1298, Dec. 23, 2016, 130 Stat. 2563.)

¹ So in original. Probably should be preceded by “Programs”.

Editorial Notes**REFERENCES IN TEXT**

Section 7060(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016, referred to in subsec. (f), is section 7060(f)(2) of div. K of Pub. L. 114-113, Dec. 18, 2015, 129 Stat. 2809, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

CHAPTER 79—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT

Sec.	
7201.	Definitions.
7202.	Restriction.
7203.	Exceptions.
7204.	Termination of sanctions.
7205.	State sponsors of international terrorism.
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7207.	Prohibition on United States assistance and financing.
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7209.	Requirements relating to certain travel-related transactions with Cuba.
7210.	Application of the Trade Sanctions Reform and Export Enhancement Act.
7211.	Technical clarification relating to provision of material support to terrorism.

§ 7201. Definitions

In this chapter:

(1) Agricultural commodity

The term “agricultural commodity” has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) Agricultural program

The term “agricultural program” means—

(A) any program administered under the Food for Peace Act (7 U.S.C. 1691 et seq.);

(B) any program administered under section 1431 of title 7;

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) any commercial export sale of agricultural commodities; or

(E) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) Joint resolution

The term “joint resolution” means—

(A) in the case of section 7202(a)(1) of this title, only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 7202(a)(1) of this title is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 903(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____.”, with the blank completed with the appropriate date; and

(B) in the case of section 7205(1)¹ of this title, only a joint resolution introduced

within 10 session days of Congress after the date on which the report of the President under section 7205(2)¹ of this title is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 906(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____.”, with the blank completed with the appropriate date.

(4) Medical device

The term “medical device” has the meaning given the term “device” in section 321 of title 21.

(5) Medicine

The term “medicine” has the meaning given the term “drug” in section 321 of title 21.

(6) Unilateral agricultural sanction

The term “unilateral agricultural sanction” means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(7) Unilateral medical sanction

The term “unilateral medical sanction” means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(Pub. L. 106-387, §1(a) [title IX, §902], Oct. 28, 2000, 114 Stat. 1549, 1549A-67; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(X), June 18, 2008, 122 Stat. 1820, 1821; Pub. L. 113-79, title I, §1423(b), Feb. 7, 2014, 128 Stat. 695.)

Editorial Notes**REFERENCES IN TEXT**

The Food for Peace Act, referred to in par. (2)(A), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Agricultural Trade Act of 1978, referred to in par. (2)(C), is Pub. L. 95-501, Oct. 21, 1978, 92 Stat. 1685, as amended generally by Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3668, which is classified generally to chapter 87 (§5601 et seq.) of Title 7, Agriculture. For

¹ So in original. Probably should be section “7204”.